

KFI
1235
.A21

S. Livingston



1997

Illinois Institute of Technology
OCT 15 1997
Information Center

Illinois Register

Rules of Governmental Agencies

Volume 21, Issue 41—October 10, 1997

Pages 13,416 - 13,688

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>

published by
George H. Ryan
Secretary of State

TABLE OF CONTENTS
October 10, 1997 Volume 21, Issue 41

PROPOSED RULES

ENVIRONMENTAL PROTECTION AGENCY

Procedures For Determining Water Quality Based Permit Limitations For National Pollutant Discharge Elimination System Dischargers To The Lake Michigan Basin	13416
35 Ill. Adm. Code 352	

GAMING BOARD, ILLINOIS

Riverboat Gambling	
86 Ill. Adm. Code 3000	13444

NATURAL RESOURCES, DEPARTMENT OF

The Taking Of Wild Turkeys-Spring Season	
17 Ill. Adm. Code 710	13465
Water Withdrawal From State Areas	
17 Ill. Adm. Code 120	13480

POLLUTION CONTROL BOARD

Definitions And General Provisions	
35 Ill. Adm. Code 211	13486
Effluent Standards	
35 Ill. Adm. Code 304	13500
Organic Material Emission Standards And Limitations For The Chicago Area	
35 Ill. Adm. Code 218	13505
Organic Material Emission Standards And Limitations For The Metro East Area	
35 Ill. Adm. Code 219	13542

ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Placement And Visitation Services	
89 Ill. Adm. Code 301	13580

NUCLEAR SAFETY, DEPARTMENT OF

Accrediting Persons In The Practice Of Medical Radiation Technology	
32 Ill. Adm. Code 401	13587

PUBLIC AID, DEPARTMENT OF

Assistance Standards	
89 Ill. Adm. Code 111, Repeal of	13599
Demonstration Programs	
89 Ill. Adm. Code 170	13601
General Administrative Provisions	
89 Ill. Adm. Code 101	13619

Long Term Care Reimbursement Changes	13633
89 Ill. Adm. Code 153	
Medical Assistance Programs	13638
89 Ill. Adm. Code 120	
Practice In Administrative Hearings	13648
89 Ill. Adm. Code 104	
 REVENUE, DEPARTMENT OF	
Hotel Operators' Occupation Tax Act	
86 Ill. Adm. Code 480	13654
Telecommunications Excise Tax	
86 Ill. Adm. Code 495	13658
 TRANSPORTATION, DEPARTMENT OF	
School Bus Driver's Pretrip Inspection Requirements	
92 Ill. Adm. Code 158	13664
 EMERGENCY RULES	
 PUBLIC AID, DEPARTMENT OF	
Hospital Services	
89 Ill. Adm. Code 148	13675
 JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received	13688

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 18, 1997 - Issue 16: Through	March 31, 1997
July 18, 1997 - Issue 29: Through	June 30, 1997
October 17, 1997 - Issue 42: Through	September 30, 1997
January 16, 1998 - Issue 3: Through	December 31, 1997 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997	July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997	Aug. 26, 1997	Sep. 2, 1997	36	Sept. 5, 1997
Feb. 25, 1997	Mar. 4, 1997	10	Mar. 7, 1997	Sep. 2, 1997	Sep. 9, 1997	37	Sept. 12, 1997
Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sep. 9, 1997	Sep. 16, 1997	38	Sep. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sep. 16, 1997	Sep. 23, 1997	39	Sep. 26, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997	Sep. 23, 1997	Sep. 30, 1997	40	Oct. 3, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sep. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997	Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
Apr. 15, 1997	Apr. 22, 1997	17	Apr. 25, 1997	Oct. 21, 1997	Oct. 28, 1997	44	Oct. 31, 1997
Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1995
Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
May 13, 1997	May 20, 1997	21	May 23, 1997	Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
May 20, 1997	May 27, 1997	22	May 30, 1997	Nov. 25, 1997	Dec. 2, 1997	49	Dec. 5, 1997
May 27, 1997	June 3, 1997	23	June 6, 1997	Dec. 2, 1997	Dec. 9, 1997	50	Dec. 12, 1997
June 3, 1997	June 10, 1997	24	June 13, 1997	Dec. 9, 1997	Dec. 16, 1997	51	Dec. 19, 1997
June 10, 1997	June 17, 1997	25	June 20, 1997	Dec. 16, 1997	Dec. 23, 1997	52	Dec. 26, 1997
June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 01, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

卷之三

卷之三

In particular, these implementation procedures are derived from Appendix F to 40 CFR 132 that contains nine procedures. Procedure 1 controls point-source modifications to Criteria and Values adopted by the Illinois Pollution Control Board ("Illinois PCB") that are subject to regulations. Procedure 2 controls variances from water quality standards that are also subject to regulations of the Illinois PCB and are also not covered here. Procedure 3 covers the procedure for determining the need for and amount of water quality based effluent limitations in National Pollutant Discharge Elimination System ("NPDES") permits based on evaluation of existing water quality and is contained in Subpart B of this Part 332. Procedure 4 controls the application of combinations of pollutants and is contained in Subpart C of this Part 332. Procedure 5 controls the application of the reasonable potential of a facility to exceed the water quality standard, criteria, or value and is contained in Subpart D of this Part 332. Procedure 6 controls the application of the Illinois PCB's prohibition of toxic effects from the whole effluent and is contained in Subpart E of this Part 332. Procedure 7 controls the imposition of limits on the total amount of a pollutant in a discharge and is contained in Subpart F of this Part 332. Procedure 8 controls effluent limits that are below the measurement level and is contained in Subpart G of this Part 332. Procedure 9 controls compliance schedules for discharges to the Lake Michigan basin and is contained in Subpart H of this Part 332. In addition, Appendix B to 40 CFR 132 establishes an antidredge/dredge policy that is under consideration by the Illinois PCB and antidredge

- 1) Statutory Authority: Implementing Section 13 and authorized by Sections 11(b) and 39(b) of the Environmental Protection Act [415 ICS 5/11(b) and 39(b)].

2) A Complete Description of the Subjects and Issues Involved: These proposed amendments are complementary to a proceeding entitled, Conforming Amendments for the Great Lakes Initiative: 35 Ill. Adm. Code 302.101; 302.105, Subpart B; 303.443; and 304.222, now pending before the Illinois Pollution Control Board in R97-25.

3) Will this proposed rule replace an emergency rule currently in effect? No

4) Does this rulemaking contain an automatic repeal date? No

5) Does this proposed rule (amendment, re-enactment, or repeal) contain incorporations by reference? Yes

6) Are there any other proposed amendments pending on this Part? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, re-enactment, or repeal) contain incorporations by reference? Yes

9) Statement of Statewide Policy Objectives: These proposed amendments are consistent with the policy objectives set out in Title III of the Environmental Protection Act [415 ICS 5/11(b)]. The proposed revisions

10) Statement of Statewide Policy Objectives: These proposed amendments are consistent with the policy objectives set out in Title III of the Environmental Protection Act [415 ICS 5/11(b)]. The proposed revisions

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- to water quality standards impose a federal mandate on units of local government that discharge to the Lake Michigan Basin.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Illinois Environmental Protection Agency will accept written public comment on this proposal for a period of 45 days from the date of publication in the Illinois Register. Comments should reference Great Lakes Initiative Part 352 and be addressed to:

Mr. Tony Frevett

Great Lakes Program
 Bureau of Water Pollution Control
 Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 P.O. Box 1276
 Springfield, IL 62794-9276

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business - small municipalities and not for profit corporations affected: Those small businesses, small municipalities, and not for profit corporations that discharge nonconcentrate cooling water or wastewater in the Lake Michigan Basin will be affected.
- B) Reporting, bookkeeping, or other procedures required for compliance: The proposed rules require reporting, bookkeeping and other procedures including the taking of effluent and water samples, water analysis and reporting. The proposed amendments codify the way in which the Illinois Environmental Protection Agency determines effluent limits for discharges to Lake Michigan.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of biologists, chemists and registered professional engineers.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the proposed rules begins on the next page:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

TITLE 352: ENVIRONMENTAL PROTECTION
 SUBTITLE C: WATER POLLUTION
 CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 352
 PROCEDURES FOR DETERMINING WATER QUALITY BASED PERMIT
 LIMITATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION
 SYSTEM DISCHARGERS TO THE LAKE MICHIGAN BASIN

SUBPART A: INTRODUCTION

Section	
352.1.00	Introduction
352.1.01	Scope
352.1.02	Applicability
352.1.03	Purpose
352.1.04	Definitions
352.1.05	Incorporations by Reference
352.1.06	Relationship to Other Regulations

SUBPART B: DISCHARGES TO WATERS NOT CURRENTLY MEETING WATER QUALITY STANDARDS, CRITERIA, OR VALUES

	Procedures for Establishing Permit Limitations for Discharges to Waters Not Currently Meeting Water Quality Standards, Criteria, or Values
SUBPART C: ASSESSING HUMAN HEALTH IMPACTS OF MULTIPLE TOXIC SUBSTANCES INCLUDING ADDITIVITY PROCEDURES FOR CHLORINATED DIBENZO-P-DIOXINS AND CHLORINATED DIBENZOFURANS	
352.200	
	352.300 Additivity for Combinations of Substances values for 2,3,7,8-TCDD Toxicity Equivalence Concentrations
	352.302 Criteria for Consideration of Additivity for Nonthreshold Toxic Substances
	352.303

	ASSESSMENT OF REASONABLE POTENTIAL TO EXCEED WATER QUALITY STANDARDS, CRITERIA, AND VALUES
SUBPART D: ASSESSMENT OF REASONABLE POTENTIAL TO EXCEED WATER QUALITY STANDARDS, CRITERIA, AND VALUES	
	352.401 Applicability; and Exclusions
	352.410 Data Requirements
	352.412 Conversion Factors for Dissolved and Total Metals
	352.421 Estimation of Projected Effluent Quality
	352.422 Dilution Allowance
	352.423 Determination of Preliminary Effluent Limitation Intake Credits
	352.425

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 352.430 Instances Requiring Effluent Limits, Other Conditions, or Additional Data
352.440 Special Provisions for Noncontact Cooling Water
- SUBPART E: APPLICATION OF WHOLE EFFLUENT TOXICITY REQUIREMENTS**
- 352.500 Procedures For Establishing Permit Limits and Special Provisions for the Potential to Exceed Determination Whole Effluent Toxicity Data
- 352.520 Estimation of Projected Effluent Quality (PEQ)
- 352.530 Calculation of Preliminary Effluent Limitation (PELE)
- 352.550 Establishing Whole Effluent Toxicity Conditions

SUBPART F: MASS LOADING LIMITS

352.600 Mass Loading Limits

- SUBPART G: EFFLUENT LIMITS BELOW THE LEVEL OF QUANTIFICATION**
- 352.700 Water Quality Based Effluent Limits Below Detection or Quantification

SUBPART H: COMPLIANCE SCHEDULES

352.800 Compliance Schedules

- SUBPART I: ANTI-DEGRADATION PROVISIONS FOR BIOACCUMULATIVE CHEMICALS OF CONCERN**
- 352.900 Antidegradation Provisions For Bioaccumulative Chemicals of Concern (BCCs)

352.100 Introduction

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 39(b) of the Environmental Protection Act [415 ILCS 5/11(b), 13 and 39(b)]

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION**Section 352.100 Introduction**

This Part 352 contains Illinois Environmental Protection Agency (Illinois EPA or Agency) rules for the application of the Illinois Pollution Control Board (Illinois PCB) rules for the Lake Michigan Basin at 35 Illinois Adm. Code 302-Subparts A and E to the National Pollutant Discharge Elimination System (NPDES) permit program administered for discharges to the Lake Michigan Basin within the State of Illinois. These rules are required pursuant to the Final

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Guidance for the Great Lakes System, 60 FR 15346 adopted on March 23, 1995 by the United States Environmental Protection Agency (USEPA) to implement Section 118(c)(2) of the Clean Water Act (33 U.S.C. 1268) as amended by the Great Lakes Critical Programs Act of 1990 (P. L. 101-556, 104 Stat. 3000). That guidance identifies minimum water quality standards, antidegradation policies and implementation procedures that states must establish for the Great Lakes System to protect human health, aquatic life and wildlife. The water quality standards, criteria and value derivation procedures, variance and site specific rulemaking procedures and antidegradation policies required under the Great Lakes Guidance and applicable to the Lake Michigan Basin, are contained in Illinois Pollution Control Board Rules. The implementation procedures required by that guidance are contained in this Part 352.

Section 352.101 Scope

The regulations in this Part 352 contain the procedures used by the Illinois Environmental Protection Agency to determine effluent limits and other conditions in NPDES permits. These regulations are cumulative with conditions, effluent limitations and other requirements established under the Illinois Environmental Protection Act [415 ILCS 5/], regulations of the Illinois Pollution Control Board, the Federal Water Pollution Control Act (33 U.S.C. 1251) as now or hereafter amended, and regulations pursuant thereto, and schedules for achieving compliance thereof at the earliest reasonable date.

Section 352.102 Applicability

The regulations in this Part 352 apply only to dischargers to the Lake Michigan Basin, as that term is defined at 35 Ill. Adm. Code 301.443. These regulations do not apply to wet weather discharges as that term is defined at 35 Ill. Adm. Code 301.501.

Section 352.103 Purpose

The purpose of this Part 352 is to establish implementation procedures that are consistent with (as protective as) Appendix E and Procedures 3, 4, 5, 6, 7, 8, and 9 of Appendix F to 40 CFR 132 (1996).

Section 352.104 Definitions

Terms used in this part have the meanings specified in 35 Ill. Adm. Code 301.200 through 301.444 and 302.501. The following terms have the meanings specified:

"Agency" means the Illinois Environmental Protection Agency.
"Area of Concern" or "AOC" is an area specially designated for remediation efforts.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

"Bioaccumulative Chemicals of Concern" or "BCC" means a chemical or class of chemicals meeting the definition at 35 Ill. Adm. Code 302.501.

"Lake Michigan Lakewide Management Plan" or "Lamp" is a plan to manage the Illinois portion of Lake Michigan as approved by US EPA.

"Method Detection Level" is the minimum concentration of an analyte (substance) that can be measured and reported with a 99 percent confidence that the analyte concentration is greater than zero as determined by the procedure set forth in Appendix B of 40 CFR 136.

"Minimum Level" or "ML" is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.

"Outlier" is a test value that is not statistically valid under tests approved in 40 CFR 136.

"Quantification Level" is a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calibrated at a specified concentration above the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

"Pollutant Minimization Program" means a plan to achieve or maintain the goal of reducing contaminant discharges to below water quality based effluent limits.

"Preliminary Effluent Limitation" or "PEL" is an estimate of an allowable discharge taking into consideration mixing or dilution.

"Projected Effluent Quality" or "PEQ" is the amount of a contaminant estimated to be discharged by a facility or activity taking into account statistical analysis of the discharge or activity.

"Reasonable Potential Analysis" or "Reasonable Potential to Exceed" means the procedure to predict whether an existing or future discharge would cause or contribute to a violation of water quality standards, criteria or values.

"Total Maximum Daily Load" or "TMDL" is the sum of the individual wastewater allocations for point sources and load allocations for

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

nonpoint sources and natural background, as more fully defined at 40 CFR 130.2(i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water body and still assure attainment and maintenance of water quality standards.

"USEPA" means the United States Environmental Protection Agency.

"Waste Load Allocation" or "WLA" is the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution as more fully defined at 40 CFR 130.2(h). In the absence of a TMDL approved by EPA pursuant to 40 CFR 130.7 or an assessment and remediation plan developed and approved in accordance with procedure F of Appendix F of 40 CFR 132, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards.

"Water Quality Based Effluent Limitation" or "WQBEL" is a limit imposed in a permit so that the applicable water quality standard, criteria or value is not exceeded outside of a designated mixing zone.

"Net Weather Point Source" means any discernible, confined and discrete conveyance from which pollutants are, or may be, discharged as the result of a wet weather event. Discharges from wet weather point sources shall include only discharges of stormwater from a municipal separate stormwater as defined at 40 CFR 22.26(b)(8); storm water discharge associated with industrial activity as defined at 40 CFR 122.26(b)(1); discharges of stormwater and sanitary wastewater (domestic, commercial, and industrial) from a combined sewer overflow; or any other stormwater discharge for which a permit is required under section 402(p) of the Clean Water Act. A storm water discharge associated with industrial activity which is mixed with process wastewater shall not be considered a wet weather point source.

"Whole Effluent Toxicity" or "HET" means a test procedure that determines the effect of an effluent on aquatic life.

Section 352.105 Incorporations by Reference

- a) The Agency incorporates the following publications by reference:

a)

b)

Section 352.106 Relationship to Other Regulations

Appendix F to 40 CFR 132 requires 9 specific permit procedures for which Great Lakes states must adopt consistent provisions. Procedures 1 and 2 of the Appendix requires procedures for site-specific modifications to standards,

NOTICE OF PROPOSED RULES

Criteria and values and procedures for variances from water quality standards, criteria and values for point sources. These requirements are within the authority of the Illinois Pollution Control Board, not Illinois EPA, and therefore not contained in this Part. These procedures are at 35 Ill. Adm. Code/Subtitle A, Chapter 1. Procedures 3 through 9 of the Appendix require specific procedures for permit issuance and are contained in Subparts B through H of this Part. Subpart I contains Agency permitting procedures related to the special antidegradation provision for bioaccumulative chemicals of concern at 35 Ill. Adm. Code 305.520.

SUBPART B: DISCHARGES TO WATERS NOT CURRENTLY MEETING WATER QUALITY STANDARDS, CRITERIA, OR VALUES

Section 352.200 Procedures for Establishing Permit Limitations for Discharges to Waters Not Currently Meeting Water Quality Standards, Criteria, or Values

Discharges tributary to any water body segment within the Lake Michigan Basin that contains a parameter that is known to exceed the ambient water quality standards and resulting in that water body being identified and listed on the Agency's list of impaired waters required by Section 303(d) of the Clean Water Act (33 U.S.C. 1311(d)) and 40 CFR 130.1(b)(6) shall have limitations and conditions established by the Agency as follows:

- All specific provisions and limitations contained within the most recent adopted and USEPA approved Lake Michigan Management Plan (LAMP) that apply to any discharge covered by the permit shall be considered for incorporation into the permit consistent with subsection (e) below.
- All requirements of a Remedial Action Plan (RAP) for an Area of Concern (AOC) applicable to the subject discharge shall be considered for incorporation into the permit consistent with subsection (e) below.

- Discharge limitations established through an approved Response Action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, shall be considered for incorporation into the permit consistent with subsection (e) below.

- Total Maximum Daily Loads (TMDLs) and Waste Load Allocations (WLAs) will be established through either the LAMP or a RAP for an Area of Concern. If a LAMP or RAP has not been completed and adopted, effluent limits shall be established consistent with the other provisions of this Part, including but not limited to Additivity, Intake Pollutants, Loading Limits, Level of Detection/Level of Quantification and Compliance Schedules. When calculation of TMDLs or Waste Load Allocation is incomplete and it is expected that limits established through other provisions will be superseded upon completion of the TMDL or Waste Load Allocation process, said limits shall be identified as interim and the permit shall include a reopener clause triggered by completion of TMDL or WLA determination. Any new limits brought about through exercise of the reopener clause shall be

NOTICE OF PROPOSED RULES

eligible for delayed compliance dates and compliance schedules consistent with Subpart H of this Part.

e) Any provisions or limitations referred to in subsection (a), (b), (c), or (d) will be subject to public participation procedures under State and Federal law before being incorporated into the permit, and appeal or judicial review procedures will be the same as with any other permit terms.

SUBPART C: ASSESSING HUMAN HEALTH IMPACTS OF MULTIPLE TOXIC SUBSTANCES INCLUDING ADDITIVITY PROCEDURES FOR CHLORINATED DIBENZO-P-DIOXINS AND CHLORINATED DIBENZOFURANS

Section 352.300 Additivity for Combinations of Substances

35 Ill. Adm. Code 302.590 establishes an acceptable risk level of one in 100,000 (10⁻⁵) for establishing Tier I criteria and Tier II values for combinations of substances exhibiting a carcinogenic or other nonthreshold toxic mechanism. For those discharges containing multiple nonthreshold substances, application of this additive standard shall be consistent with Sections 352.302 and 352.303.

Section 352.302 Values for 2,3,7,8-TCDD Toxicity Equivalence Concentrations
a) For discharges in the Lake Michigan basin containing one or more 2,3,7,8-substituted chlorinated dibenz-p-dioxins or 2,3,7,8-TCDD toxicity equivalence concentration (TEC(TCDD)) shall be determined as outlined in subsection (b).
b) The values listed in this Table 1 shall be used to determine the 2,3,7,8-TCDD toxicity equivalence concentrations using the following equation:
$$(TEC(TCDD)) = \Sigma (C_i)(x_i)(TEF_i)(x_i)(BEP_i)$$

where:

$$(TEC(TCDD)) = \frac{2,3,7,8-TCDD \text{ toxicity equivalence concentration in effluent}}{(BEC)(x)}$$

$$(C_i)x_i = \frac{\text{Concentration of total chemical } x_i \text{ in effluent}}$$

$$(TEF_i)x_i = \frac{\text{TCDD toxicity equivalence factor for } x_i}{(BEC)(x)}$$

$$(BEP_i)x_i = \frac{\text{TCDD bioconcentration equivalency factor for } x_i}{(BEC)(x)}$$

TABLE 1

Congener	TEF	BEP
2,3,7,8-TCDD	1.0	1.0

1,2,3,7,8-TCDD 0.5 0.9

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PROPOSED RULES

1,2,3,4,7,8-HxCDD	0.1	0.3
1,2,3,6,7,8-HxCDD	0.1	0.1
1,2,3,7,8,9-HxCDD	0.1	0.1
1,2,3,4,6,7,8-HpCDD	0.01	0.05
OCD ₂	0.001	0.01
2,3,7,8-TCDF	0.1	0.8
2,3,7,8-TCDD	0.05	0.2
2,3,4,7,8-PeCDD	0.5	1.6
2,3,4,7,8-PeCDF	0.05	0.08
2,3,4,7,8-HxCDF	0.1	0.2
1,2,3,4,7,8-HxCDF	0.1	0.7
1,2,3,4,5,6,7,8-HpCDF	0.1	0.6
1,2,3,4,7,8,9-HpCDF	0.01	0.01
1,2,3,4,6,7,8-HpCDF	0.01	0.4
1,2,3,4,7,8,9-HpCDF	0.001	0.02
OCD ₂		

Section 352.303 Criteria for Consideration of Additivity for Nonthreshold Toxic Substances

Any combination of carcinogenic or otherwise nonthreshold toxic substances shall be assessed on a case by case basis. The Agency shall only consider the same additivity for chemicals that exhibit the same type of effect and the same mechanism of toxicity, based on available scientific information that supports a reasonable assumption of additive effects.

SUPPART D: ASSESSMENT OF REASONABLE POTENTIAL TO EXCEED WATER QUALITY STANDARDS, CRITERIA, AND VALUES

Section 352.401 Applicability and Exclusions

The need for a WOBEL is based on the potential of a given parameter to cause or contribute to a violation of the applicable water quality standard criteria, or value. In certain circumstances, this may entail application of a mixing zone to the discharge before comparing the effluent concentration of a substance to the water quality standard, criteria, or value. The Agency shall conduct an analysis of the reasonable potential for a given effluent to exceed or contribute to excursions above water quality standards that may occur in the receiving body during the NPDES permit review. This reasonable potential analysis is based on statistical analysis of the effluent and the following factors:

- a) Reasonable potential analysis is conducted on a parameter-by-parameter basis. In instances where a reasonable potential to exceed a water quality standard for a substance does exist, it does not imply that a reasonable potential for all parameters present in the effluent exists or that WOBELs for all parameters are required.
- b) The assignment of values for WOBELs is dependent on the application of dilution or mixing zones. The process used for permit review will be conducted in a stepwise approach with the first step being a direct

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

comparison of the Projected Effluent Quality (PEQ) to the applicable water quality standard, criteria or value. If the PEQ is less than the applicable standard, criteria or value, the Agency will conclude that no potential to exceed exists, that the analysis for that parameter is completed and no WOBEL will be established in the permit unless otherwise warranted under Section 352.430. If the PEQ equals or exceeds the applicable standard, criteria or value, the analysis shall proceed to consideration of mixing and dilution pursuant to Section 352.422.

c) Exclusions from reasonable potential analysis. This procedure is a statistically based evaluation of the need for WOBELs for toxic substances based on the scientific approaches to toxicity assessment contained within 40 CFR 9, 122, 123, 131, and 132. This procedure is either not amenable to or appropriate for certain pollutants and parameters included in the Lake Michigan Basin water quality standards at 35 Ill. Admin. Code 302. Subpart E. Therefore this procedure shall not be used to establish Permit limits for the following substances:

Alkalinity
Ammonia
Bacteria
Chlorine
Color
Dissolved Oxygen
Dissolved Solids
pH
Phosphorus
Temperature
Total and Suspended Solids
Turbidity
Sulfate
Biochemical Oxygen Demand (BOD)
Radioactivity
Boron

Section 352.410 Data Requirements

For a particular application, reasonable potential analysis is primarily based on the effluent quality demonstrated by self-monitoring data, as required by the NPDES Permit, or Agency-generated data, such as effluent sampling, facility-related stream studies, or whole effluent toxicity (WET) testing. Effluent data used in derivation of Projected Effluent Quality (PEQ) shall be selected to best represent the concentration and variability of the pollutant in the discharge anticipated for the applicable period of the NPDES permit. The following criteria will be followed in data selection:

- a) The most recent five years of data shall be used unless the Agency determines that an alternate period better represents the time period for which effluent quality is being projected. Such

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

alternative time periods may include but are not limited to shorter periods that reflect changed discharge characteristics resulting from changes in manufacturing activities or wastewater treatment systems.

b) Data outliers and other anomalies resulting from collection, analysis or recording errors or non-repeatable plant operation or discharge conditions may be eliminated from the data.

Section 352.412 Conversion Factors for Dissolved and Total Metals

- a) The numeric standards for certain metal parameters in 35 Ill. Adm. Code 102.504 are established as dissolved forms of the substance since the dissolved form more closely relates to the toxicology literature utilized in deriving the standard. However, most discharge monitoring data used in deriving a PQO will be from a total recoverable analytical method and permit limits if and when established will be set at total recoverable to accommodate the total recoverable analytical method. The Agency will use a conversion factor to determine the amount of total metal corresponding to dissolved metal for each metal with a water quality standard set at dissolved concentration. In the absence of facility specific data the following default conversion factors will be used for both PQO derivation and establishing WQDEs. The conversion factor represents the portion of the total recoverable metal presumed to be in dissolved form. The conversion values given in the following table are multiplied by the appropriate total recoverable metal concentration to obtain a corresponding dissolved concentration which then may be compared to the acute or chronic standard. A dissolved metal concentration may be divided by the conversion factor to obtain a corresponding total metal value which will generally be the metal form regulated in NPDES permits.

Conversion Factor

Metal Acute Standard

Chronic Standard

1.000

1.000

0.850

0.850

0.850

0.850

0.850

0.850

0.850

0.850

NOTICE OF PROPOSED RULES

Selenium	0.922
Zinc	0.978

- b) A permittee may propose an alternate conversion factor for any particular site specific application. The request must contain sufficient specific data, or other data that is representative of the site, to identify a representative ratio of the dissolved fraction to the total recoverable fraction of the metal in the receiving water body at the edge of the mixing zone. If a site specific conversion factor is approved, that factor will be used for PQO derivation and establishment of a WQBEL in lieu of its default counterpart in subsection (a) above.

Section 352.421 Estimation of Projected Effluent Quality

- a) The first step in determining potential to exceed the water quality standard for any particular pollutant parameter is the estimation of the maximum expected effluent concentration for that substance. That estimation will be completed for both acute and chronic exposure periods and is termed the PQO. The PQO shall be derived from representative facility specific data to reflect a 95 percent confidence level for the 95th percentile value. These data will be presumed to adhere to a lognormal distribution pattern unless the actual effluent data demonstrates a different distribution pattern. If facility specific data in excess of 10 data values are available, a coefficient of variation that is the ratio of the standard deviation to the arithmetic average shall be calculated by the Agency. The PQO is derived as the upper bound of a 95 percent confidence bracket around the 95th percentile value through a multiplier from the following table applied to the maximum value in the data set that has its quality assured consistent with Section 352.411 as appropriate for acute and chronic data sets.

PQO = (maximum data point)(statistical multiplier)		Coefficient of Variation			
		.1	.2	.3	.4
PQO	No. Samples	.1	.2	.3	.4
1	1.4	1.9	2.6	3.6	4.7
2	1.3	1.6	2.0	2.5	3.1
3	1.2	1.5	1.8	2.1	2.5
4	1.2	1.4	1.7	1.9	2.2
5	1.2	1.4	1.6	1.8	2.1
6	1.1	1.3	1.5	1.7	2.1
7	1.1	1.3	1.4	1.6	1.8
8	1.1	1.3	1.4	1.6	1.7
9	1.1	1.2	1.4	1.5	1.7

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

	Coefficient of Variation					
	0.8	0.9	1.0	1.1	1.2	1.3
10	1.1	1.2	1.3	1.5	1.6	1.7
11	1.1	1.2	1.3	1.4	1.6	1.7
12	1.1	1.2	1.3	1.4	1.6	1.7
13	1.1	1.2	1.3	1.4	1.5	1.6
14	1.1	1.2	1.3	1.4	1.5	1.6
15	1.1	1.2	1.2	1.3	1.4	1.5
16	1.1	1.2	1.2	1.3	1.4	1.5
17	1.1	1.1	1.2	1.3	1.4	1.5
18	1.1	1.1	1.2	1.3	1.4	1.5
19	1.1	1.1	1.2	1.3	1.4	1.5
20	1.1	1.1	1.2	1.2	1.3	1.4
30	1.0	1.1	1.1	1.1	1.2	1.2
40	1.0	1.0	1.1	1.1	1.1	1.1
50	1.0	1.0	1.0	1.0	1.0	1.0
60 or greater	1.0	1.0	1.0	1.0	1.0	1.0

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

- will proceed to consideration of dilution and mixing pursuant to Section 352.422.
- b) If facility-specific data of 10 or less data values is available, an alternative PEQ shall be derived using the Table in Section 352.421(a), assuming a coefficient of variation of 0.6, applied to the maximum value in the data set that has its quality assured consistent with Section 352.411.
- 1) If the PEQ is less than or equal to the water quality standard, there is no reasonable potential and no limit will be established in the permit.
- 2) If the PEQ exceeds the water quality standard, an alternative PEQ will be calculated using the maximum value in the data set and a multiplier of 1.4. If the alternative PEQ also exceeds the PEQ, the Agency will proceed to consider dilution and mixing pursuant to Section 352.422.
- 3) If the PEQ exceeds the water quality standard but the alternative PEQ is less than or equal to the standard, the Agency will either proceed to consider dilution and mixing pursuant to Section 352.422, or will incorporate a monitoring requirement and reopeener clause to reassess the potential to exceed within a specified time schedule, not to exceed one year. In determining which of these options to use in any individual application, the Agency shall consider the operational and economic impacts on the permittee and the effect, if any, of deferral of a final decision were subsequently determined to be necessary.

- c) The Agency shall compare monthly average effluent data values, when available, with chronic aquatic life, human health and wildlife standards to evaluate the need for monthly average WOEQS. The Agency shall use daily effluent data values to determine whether a potential exists to exceed acute aquatic life water quality standards.
- d) The Agency may apply other scientifically defensible statistical methods for calculating PEQ for use in the reasonable potential analysis as provided for in Procedure 5.b.2 of Appendix F to 40 CFR 132.
- e) Regardless of the statistical procedure used, if the PEQ for the parameter is less than the water quality standard for that parameter, the Agency shall deem the discharge not to have a reasonable potential to exceed, and a water quality based effluent limit (WQBEL) shall not be required unless otherwise required under Section 353.430.

Section 352.422 Dilution Allowance

- 1) If the PEQ is less than or equal to the water quality standard, there is no reasonable potential and no limit will be established in the permit.
- 2) If the PEQ is more than the water quality standard, the Agency

If the PEQ for a parameter is equal to or greater than the particular water quality standard, criteria or value for that parameter, the Agency will assess the level of treatment being provided by the discharger. If the discharger is providing (or will be providing) a level of treatment consistent with the best

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

degree of treatment required by 35 Ill. Adm. Code 304.102(a), the PEQ derived under Section 352.421 shall be compared to a preliminary effluent limitation (PEL) determined by applying an appropriate mixing zone or a default mixing zone to the discharge. Mixing opportunity and dilution credit will be considered as follows:

- Discharges to tributaries of the Lake Michigan Basin shall be considered to have no available dilution for either acute or chronic exposures, and the PEL will be set equivalent to the water quality standard unless dilution is documented through a mixing zone study.
- Direct discharges to the Open Waters of Lake Michigan shall have a default mixing allowance of 211 for acute standards, criteria or values if the values and 101 for chronic standards, criteria or values if the discharge configuration indicates that the effluent readily and rapidly mixes with the receiving waters. If ready and rapid mixing is in doubt, the Agency shall deny any default dilution or mixing allowance and require a mixing or dispersion study to determine the proper dilution allowance. If the discharger applies for more than the default dilution or mixing allowance, it must submit a mixing or dispersion study to justify its request. Whenever a mixing or dispersion study is available, it shall be used to determine dilution or mixing allowance in lieu of the default allowance.

Section 352.423 Calculation of Preliminary Effluent Limitation Allowance

The PEL is calculated in a simple mass balance approach reflecting the dilution allowance established in Section 352.422:

$$\text{WQS} = \frac{[(Qe)(\text{PEL}) + (Qd)(Cd)]}{(Qe + Qd)} \quad \text{or}$$

$$\text{PEL} = \frac{[\text{WQS}(Qe + Qd) - (Qd)(Cd)]}{Qe}$$

where:

WQS = applicable water quality standard, criteria or value

Qe = effluent flowrate

Qd = allowable dilution flowrate

Cd = background pollutant concentration in dilution water

Section 352.424 Determination of Reasonable Potential

- If the PEQ is less than the PEL, it will be concluded that there is no reasonable potential to exceed. Under such circumstances a permit limit for that contaminant will not be set unless otherwise justified under one or more provisions of Section 352.430.
- If the PEQ is equal to or greater than the PEL, and the PEQ was calculated using a data set of more than 10 values, a water quality based effluent limitation (WQE) will be included in the permit. If the PEQ was calculated using a data set of less than or equal to 10

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

values, and the alternative PEQ calculated under Section 352.421(b) also exceeds the PEL, a WQE will be included in the permit.

- If the PEQ was calculated using a data set of less than or equal to 10 values, and the PEQ is equal to or greater than the PEL, but the alternative PEQ is less than the PEL, the Agency will either establish a WQE in the permit or incorporate a monitoring requirement and a reperior clause to reassess potential to exceed within a specified time schedule, not to exceed one year. In determining which of these options to use in any individual application, the Agency shall consider the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have on an ultimate compliance schedule if a permit limit were subsequently determined to be necessary.
- The WQE will be set at the PEQ, unless the PEQ is appropriately modified to reflect credit for intake pollutants when the discharged water originates in the same water body to which it is being discharged. Consideration of intake credit will be limited to the provisions of Section 352.425.
- The reasonable potential analysis shall be completed separately for acute and chronic aquatic life effects. When WQEs are based on acute impacts, the limit will be expressed as a daily maximum. When the WQE is based on chronic effects, the limit will be expressed as a monthly average. Human health and wildlife based WQEs will be expressed as monthly averages. If circumstances warrant, the Agency shall consider alternatives to daily and monthly limits.

Section 352.425 Intake Credits

- 35 Ill. Adm. Code 304.105 provides that no effluent may cause or contribute to a violation of a water quality standard but Section 304.105 provide that it is not the intent of 35 Ill. Adm. Code 304 to clean up contamination caused by upstream sources or incidental traces of contaminants. If a discharge contains a toxic substance solely due to its presence in intake water from the same water body receiving the discharge, the Agency may determine there is no reasonable potential for that discharge to cause or contribute to an exceedance for that substance, and therefore not establish a WQE in the permit. Agency application of such intake credits will be restricted to the following conditions:
 - The permittee withdraws 100% of the water comprising the discharge from the same body of water that receives the discharge.
 - The permittee does not contribute any additional mass of the identified intake toxic substance to its discharge.
 - The permittee does not alter the identified intake pollutant chemically or physically in a manner that would cause adverse water quality impacts to occur that would not occur if the substance were left in the water body.
- The discharge does not result in an increase above the intake

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

concentration at any applicable point below the discharge outside a mixing zone unless such increase does not cause an excursion above the applicable water quality standard, criteria or value.

- 5) The timing and location of the discharge would not cause adverse impacts to occur that would not occur if the substance were left in the water body.

- b) If the source water contains a pollutant at a concentration in excess of an applicable water quality standard, criteria or value and there is some net addition of that parameter due to activities or operations of the permittee or source tributary to the discharge, the Agency will restrict intake credits to the following circumstances:

 - 1) The Agency will establish permit limits allowing no greater discharge than the concentration and mass present in the intake water as a "no net increase limit". Intake credit will only be allowed for that portion of intake pollutant loading present in source water withdrawn from the body of water receiving the discharge. If any of the intake pollutant is removed through a water treatment process prior to utilization by the permittee, intake credit will be restricted to the concentration and mass emerging from the water treatment process.
 - 2) Any permits incorporating "no net increase" provisions must include notice to the permittee that current federal guidance prohibits allowance of such limits after March 23, 2007. The permit need not include an expiration date at the time of issuance but must give fair warning that continuation in future permit renewals is questionable due to anticipated federal requirements. The sunset of "no net increase" allowances after March 23, 2007 is mandated in USEPA's Water Quality Guidance for the Great Lakes System, 60 FR 13366, March 23, 1995. The preamble to this guidance contains a commitment from USEPA to reconsider this requirement by March 23, 2002 with the possibility of extending or deleting this deadline.

- 4) If a facility's treatment system under proper operation and maintenance results in removal of the pollutant of concern, the Agency will establish effluent limits that reflect the lower mass and concentration of the pollutant achievable and feasible by such treatment.
- 5) The issuance of a permit incorporating "no net increase" provisions shall not affect or modify the requirement of 35 Ill. Adm. Code 304.101, that effluent standards in 35 Ill. Adm. Code 304 must be compiled with without subtracting background concentrations, except that compliance with those standards is not required when effluent concentrations for the facility in excess of the standard result entirely from evaporation or incidental traces of materials not utilized or produced in the activity.

c) When, pursuant to 35 Ill. Adm. Code 352.425(a), the Agency declines to

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

ILLINOIS REGISTER

NOTICE OF PROPOSED RULES

establish a WQER, that would otherwise be warranted under other provisions of this Part, the Permit shall contain requirements sufficient to demonstrate that the terms of subsection (a) of this Section are being maintained. Appropriate permit requirements may include influent, effluent and ambient monitoring, and a reopener clause authorizing modification or revocation and reassessment if new information demonstrates that intake credit is no longer justified.

Section 352.430 Instances Requiring Effluent Limits, Other Conditions, or Additional Data

The Agency will consider the following factors when determining whether further data needs to be gathered in order to decide if a reasonable potential to exceed water quality standards exists. These factors may also warrant inclusion of a permit limit for a substance or substances that do not display a reasonable potential to exceed through the analysis of Sections 352.420 through 352.425.

- a) The facility is subject to federal categorical limits under 40 CFR 405 through 471 for the substance.
- b) A substance(s) is present in the raw wastewater in significant quantities such that treatment at the facility is designed to remove that substance.
- c) A substance is discharged in quantities that are sufficient to warrant limits in the permit due to batch or highly variable waste generation processes wherein substances are potentially discharged intermittently and sporadically and therefore may avoid detection by intermittent sampling of the final effluent.
- d) The facility has a record of spill events involving certain substances and there is evidence that those substances are discharged in quantities that are sufficient to merit inclusion of permit limits.
- e) Historical information or the knowledge of Agency field inspectors indicate that a potential exists for discharge of a substance and there is evidence that the substance would be discharged in quantities sufficient to merit inclusion of permit limits.

Section 352.440 Special Provisions for Noncontact Cooling Water

Notwithstanding the other provisions of this Part, the Agency will not impose WQERs for a discharge consisting solely of once through noncontact cooling water withdrawn entirely from the same body of water receiving the discharge, except in accordance with the following:

- a) The Agency may require a WQER based on an acute aquatic criterion for a substance of acute whole effluent toxicity when information is available indicating that such a limit is necessary to protect aquatic life, unless the discharger is able to demonstrate that the presence of the substance or WEF is due solely to its presence in the intake water.
- b) If a substance is present at elevated levels in the noncontact cooling

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- water wastewater due to improper operation or maintenance of the cooling system and this substance is or may be discharged at a level that will cause or contribute to an excursion above a numeric standard, criterion or value for a toxic substance as determined under this Part, a NOBEL shall be established for that substance:
- If the permitted uses or proposes to use additives in the noncontact cooling water, the additives shall be evaluated using the reasonable potential procedures of this Part to determine whether NOBELs are necessary for the wastewater.
 - If the noncontact cooling water is blended with other wastewater prior to final discharge, the provisions of this Section are restricted to the noncontact cooling wastewater and any permit limitations on the other commingling wastewater shall include internal monitoring points or other appropriate methods to assess compliance prior to blending.

SUBPART E: APPLICATION OF WHOLE EFFLUENT TOXICITY REQUIREMENTS

Section 352.500 Procedures for Establishing Permit Limits and Special Provisions for the Potential to Exceed Determination

35 Ill. Adm. Code 302.540 prohibits the presence of a substance or combination of substances that produces an acute or chronic aquatic life toxic conditions at any applicable location within any water body of the Lake Michigan Basin. The "Combination of substances" terminology includes effluent discharges, except as provided through the mixing zone regulations of 35 Ill. Adm. Code 302.102 this toxicity standard applies at all points within the Lake Michigan Basin. The Agency shall apply the aquatic life toxicity standard to whole effluents as follows:

- No effluent shall cause an exceedance of 0.3 acute toxicity unit (TUA) outside a zone of initial dilution (ZID) issued pursuant to 35 Ill. Adm. Code 302.101(e); except that no acute whole effluent toxicity permit limit shall be more restrictive than 1.0 TUA at the point of discharge.
- No effluent shall cause an exceedance of 1.0 chronic toxicity unit (TUC) in any waters of the Lake Michigan Basin except as provided in mixing zone provisions of 35 Ill. Adm. Code 302.102 and 302.530.

Section 352.520 Whole Effluent Toxicity Data

When assessing reasonable potential to exceed, WET data shall be characterized consistent with the following:

- When multiple acute toxicity values for individual species are available for a single day, those values shall be averaged to represent one daily value; the maximum of all representative daily values for the most sensitive species tested shall be used for determination of potential to exceed the acute toxicity standard.
- When multiple chronic toxicity values for individual species are

available for a single calendar month, those values shall be averaged to represent one monthly value. The maximum of all representative monthly values for the most sensitive species tested shall be used for determination of reasonable potential to exceed the chronic toxicity standard.

- When there is insufficient WET data to adequately characterize the toxicity of the effluent to aquatic life, in lieu of a WET limit the Agency will include one or both of the following provisions in the permit:

 - WET testing requirements to generate sufficient data to adequately characterize the toxicity of the effluent;
 - A permit reopener clause which authorizes the Agency, based upon the results of the WET tests required under subsection (c)(1), to establish toxicity reduction evaluation requirements, or WET limits, or both, if necessary to meet the toxicity standard, or a compliance schedule if appropriate.

Section 352.520 Estimation of Projected Effluent Quality (PEQ)

A minimum of five representative toxicity tests is necessary to calculate a PEQ. If less than five test results are available and there is evidence that effluent toxicity may exist, additional toxicity testing shall be required consistent with Section 352.520(c). Whenever sufficient data exists, the PEQ is estimated to be the maximum representative value determined from Section 352.520(a) and (b), expressed in terms of acute and chronic toxicity units (TUA & TUC) increased by multiplying factor from Table in Section 352.421. If more than 10 facility specific data values are available, and the PEQ is more than either 1.0 TUA or 1.0 TUC, the Agency will proceed to consideration of dilution and mixing under Section 352.540 for the relevant effluent (acute, chronic, or both). If less than 10 facility specific data values are available, and the PEQ is more than either 1.0 TUA or 1.0 TUC, the Agency will follow the process set forth in Section 352.421(b) to determine whether to proceed to Section 352.540. If the PEQ is less than or equal to 1.0 TUA or less than or equal to 1.0 TUC, no WET limit will be established in the permit for the relevant standard.

Section 352.540 Calculation of Preliminary Effluent Limitation (PEL)

If the PEQ is more than either 1.0 TUA or 1.0 TUC, or as otherwise provided in Section 352.520, the Agency will determine eligibility for a dilution allowance consistent with Section 352.422. The preliminary effluent limitation (PEL) expressed in terms of acute and chronic toxicity units (TUA and TUC) shall be calculated pursuant to Section 352.423. Unless there is data indicating otherwise, the pollutant concentration in the effluent (Ce) will be assumed to be zero.

Section 352.550 Establishing Whole Effluent Toxicity Conditions

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- a) If the PEO derived from Section 352.530 is less than the PEO calculated in Section 352.540, it will be concluded that there is no reasonable potential to exceed. Under such circumstances a permit limit will not be set unless otherwise justified under one or more provisions of Section 352.430.
- b) If the PEO is equal to or greater than the PEO, either a facility specific data values were used in deriving the PEO, either a whole effluent toxicity limit will be incorporated into the permit or the caustic toxic substances will be limited consistent with Subpart D of this Part.
- c) If 10 or fewer data values were used in deriving the PEO, the Agency will calculate an alternative PEO, using the method specified in Section 352.421(b). If the alternative PEO is greater than the PEO, appropriate limits will be incorporated into the permit, as in the situation where more than 10 data values are available. If the alternative PEO is less than or equal to the PEO, the Agency will either establish appropriate limits in the permit or incorporate a monitoring requirement and reopener clause to reassess the potential to exceed within a specified time schedule, not to exceed one year. In determining which of these options to use in any individual application, the Agency shall consider the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have on an ultimate compliance schedule if a permit limit were subsequently determined to be necessary.

- d) It is the preference of the Agency to limit the individual toxic substances producing the toxicity whenever they can be identified. Therefore while effluent toxicity limits will not be imposed whenever the toxicity can be resolved by regulating individual substances, however, a WET limit is necessary, the limit will be set at the PEO calculated pursuant to Section 352.540. If compliance cannot be achieved upon permit issuance, the permit may also include requirements for a toxicity reduction evaluation program, interim discharge limits and a compliance schedule.

SUBPART F: MASS LOADING LIMITS

Section 352.600 Mass Loading Limits

Whenever a water quality based effluent limitation (WQEL) is established in a permit, the WQEL shall be expressed as both a concentration value and a corresponding mass loading rate.

- a) Both mass and concentration limits shall be based on the same averaging periods such as daily or monthly averages, or in other appropriate permit averaging periods.
- b) The mass based WQEL shall be calculated using effluent flow rates that are the same as those used in establishing the concentration-based WQEL.
- c) Mass load limits are not required for parameters which cannot be

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

appropriately expressed in terms of mass as listed below:

- PH
temperature
radiation
bacteria
dissolved oxygen
- d) Discharges that are subject to substantial flow variation such as wet weather flows or varied production schedules may have mass limits regimes. Typically two tiered mass limits will be established. One set shall be based on dry-weather effluent flowrate and the appropriate stream design flow. The second mass limit shall be based on effluent and stream flowrates representative of wet weather conditions.

SUBPART G: EFFLUENT LIMITS BELOW THE LEVEL OF QUANTIFICATION

Section 352.700 Water Quality Based Effluent Limits Below Detection or Quantification

a) When a WQEL for a toxic substance is calculated to be less than the quantification level, the permit shall include a discharge limit, analytical method and quantification level consistent with the following:

- 1) The permit shall include the WQEL as calculated.
- 2) The permit shall specify the most sensitive applicable analytical method contained in or approved under 40 CFR 136, or other applicable method if one is not available under 40 CFR 136. The analytical method specified in the permit shall be the method used for compliance assessment including enforcement actions.
- 3) The permit shall also identify the quantification level that can be achieved with the method specified pursuant to subsection (a)(2).
- 4) That quantification level shall be the minimum level (ML) specified in or approved under 40 CFR 136 for the selected method for the toxic substance. If no such ML exists, or if the method is not specified or approved under 40 CFR 136, the quantification level shall be the lowest quantifiable level practicable. In determining the practicability of a method, the Agency shall consider achievability of the identified detection level by competent commercial laboratories.
- 5) A higher quantification level may be established if demonstrated to be appropriate due to effluent-specific matrix interference. The Agency may consider alternative analytical methods for deriving quantification levels if those methods are demonstrated to be scientifically defensible.
- b) The permit shall include a condition requiring the permittee to develop and conduct a pollution minimization program (PMP) for each pointant with a WQEL below the quantification level, unless the permittee can demonstrate that an alternative technique is adequate to

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

13441
97

assess compliance with the WQBEL. The goal of the PMP shall be to attain and maintain the discharge limit or below the WQBEL. The PMP shall include but is not limited to the following:

- 1) An annual review of potential sources of the toxic substance;
- 2) Periodic monitoring as necessary in order to assess progress toward the goal of the PMP;
- 3) Implementation of appropriate cost-effective control measures at the earliest practicable time after sources are identified; and
- 4) Submission of an annual, unless otherwise specified in the permit, status report containing all minimization programs monitoring results of the reporting period, a listing of potential sources of the toxic substance, a summary of all actions and control measures taken to reduce or eliminate the identified sources of the toxic substance and an overview of anticipated future steps in the PMP.

c) The permit may contain a condition requiring fish tissue monitoring, other bio-upake sampling, facility sludge monitoring, or a combination of such sampling as necessary to assess the progress of the PMP.

d) Compliance with a WQBEL below the quantification level shall be achieved for a reporting period if the discharge level for that reporting period is less than the quantification level and during that reporting period the permittee is in compliance with all provisions of the PMP developed pursuant to a reopen clause providing for subsequent modification or revocation and reissuance of the permit as warranted by the results of the PMP pursuant to subsection (b), or the availability of new or alternative analytical methods. Such modification or reissuance may accommodate more or less frequent monitoring, alternative analytical method and quantification level if appropriate consistent with subsection (a)(3), and modification or removal of the PMP.

e) The permit shall contain a reopen clause providing for subsequent modification or revocation and reissuance of the permit as warranted by the results of the PMP pursuant to subsection (b), or the availability of new or alternative analytical methods. Such modification or reissuance may accommodate more or less frequent monitoring, alternative analytical method and quantification level if appropriate consistent with subsection (a)(3), and modification or removal of the PMP.

SUBPART H: COMPLIANCE SCHEDULES

Section 352.800 Compliance Schedules

Section 39(b) of the Environmental Protection Act [415 ILCS 5/39(b)] and 35 Ill. Admin. Code 305-148 authorize the Agency to establish schedules of compliance in NPDES permits for a number of circumstances, including a discharge that is not in compliance with applicable water quality standards. NPDES permits with compliance schedules within the Lake Michigan Basin shall be issued according to the following procedures:

- a) Delayed compliance dates may be included for new discharges within the basin. Permits issued on or after the effective date of this Part that contain a water quality based effluent limit (WQBEL) shall require compliance with the WQBEL upon commencement of the discharge.
- b) Any existing permit reissued or modified after the effective date of

this Part that contains a new or more restrictive WQBEL shall allow a reasonable period of time, up to five years after the date of permit issuance or modification, for the permittee to comply with that limit. If the compliance schedule established under subsection (b) extends beyond one year after the date of permit issuance or modification, the schedule shall set forth interim requirements and dates for their achievement as appropriate.

c) Whenever a WQBEL is derived pursuant to 35 Ill. Admin. Code 302.563 or 302.570(d) is included in a reissued or modified permit for an existing discharge, the permit shall provide a reasonable period of time, up to two years, to acquire additional data necessary to develop a Tier I criteria or to modify the Tier II value. In such cases, the permit shall require compliance with the Tier II limitation within a reasonable period of time, consistent with subsections (e) and (f) below and contain a reopen clause consistent with subsection (e).

d) The reopen clause referenced in subsection (d) shall authorize permit modifications if additional data become available during the time allowed which demonstrates that a revised WQBEL is appropriate. The revised WQBEL shall be incorporated through permit modification and a reasonable time period, up to five years after the date of permit modification, shall be allowed for compliance. If incorporated prior to the compliance date of the original Tier II limitation, any such revised WQBEL shall not be considered valid for purposes of the anti-backsliding provisions of Section 402(e) of the Clean Water Act.

e) If a revised WQBEL is not demonstrated to be appropriate during the time period allowed to collect additional data and derive a Tier I criteria or revised Tier II value, the Agency may provide a reasonable additional period of time, not to exceed five years after the end of the data collection period, to achieve compliance with the original effluent limitation.

SUBPART I: ANTIDEGRADATION PROVISIONS FOR BIOACCUMULATIVE CHEMICALS OF CONCERN

Section 352.900 Antidegradation Provisions for Bioaccumulative Chemicals of Concern (BCCs)

Whenever a new or increased loading of any BCC is proposed from an existing or new facility or activity, either point or nonpoint source, that is subject to NPDES permitting - Clean Water Act Section 401 water quality certification, or Lake Michigan dredge and fill permits under Section 39(n) of the Illinois Environmental Protection Act [415 ILCS 5/39(n)], the Agency shall require an antidegradation demonstration. Exceptions to this requirement include:

- a) Changes in loading of a BCC within the existing capacity and processes that are covered by the existing permit including but not limited to:
 - 1) Normal operational variability including but not limited to: intermittent increased discharges due to wet weather conditions;

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

- 2) Changes in intake water pollutants not caused by the discharger;
- 3) Increasing the production hours of the facility;
- 4) Increasing the rate of production.
- b) New limits for an existing permitted discharge or activity that are not the result of changes in pollutant loading, and will not allow an increase in pollutant loading, including new limits that are a result of the following:
- 1) New or improved monitoring data;
 - 2) New or improved analytical methods;
 - 3) New or modified water quality criteria or values;
 - 4) New or modified effluent limitations guidelines, pretreatment standards, or control requirements for point-of-discharge.
- c) Those actions listed in 35 Ill. Adm. Code 302.51(c), if determined to be exempt by the Agency, including:
- 1) Short term, temporary consisting of weeks or months lowering of water quality;
 - 2) Bypasses that are not prohibited at 40 CFR 122.41(m); and
- d) Response actions pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, or similar federal or State authority undertaken to alleviate a release into the environment of hazardous substances, pollutants or contaminants which may pose an imminent and substantial danger to public welfare.
- e) An entity seeking new or increased loading allowance for a BCC into the Lake Michigan Basin must complete and submit an anti-degradation demonstration adequate to substantiate the important economic or social development expected to result and to specify the pollutant minimization plan to accompany any allowable increase in BCC loading for Agency review. The Agency will consult with such entities regarding the scope of the demonstration if requested. A demonstration will address the following elements pertaining to anticipated important economic and social development:
- 1) The extent to which employment will be increased in the area;
 - 2) The extent to which production levels will increase in the area;
 - 3) The extent to which the proposed change will avoid otherwise anticipated reduction in employment or production levels;
 - 4) The extent to which the activity will be providing economic or social benefit to the area;
 - 5) The extent to which the activity will be correcting an environmental or public health problem.
- f) The environmental impact statement must also address the sources of the BCC and include a comprehensive assessment of pollution prevention alternatives and alternative or enhanced treatment techniques. This analysis and any other relevant information will form the basis for a pollutant minimization plan to accompany any permissible increased loading allowance.
- g) If the Agency tentatively determines that increased BCC loading is allowable pursuant to 35 Ill. Adm. Code 302.52(e), such

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
Proposed Action:
Amend
Amend
Amend
Amend
New
Amend
Amend
- 3) Section Numbers:
3000.100
3000.150
3000.220
3000.221
3000.405
3000.410
3000.600
3000.660
3000.1070
3000.1125
3000.1126
3000.1125
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments revise the definitions of "Junketer" and "Riverboat Gaming Operation" and add a definition of "Marketing Agent". The purpose of the revised definitions and other added provisions pertaining to junketers and marketing agents is to allow certain contractual relationships without the burden and costs of supplier licensure, while retaining regulatory oversight where needed and meaningful. A number of technical amendments are proposed, including clarifying references to Business Entity Forms, Marketing Agent Forms, Institutional Investor Disclosure Forms, and Trust Forms. Other technical amendments provide for recusal of hearing officers in case of bias or conflict of interest, require hearing officers to be attorneys, and specify that final administrative decision occurs when the Board denies a request for hearing or no answer to a complaint is filed. The amendment to Section 3000.410 deletes the provision that purports to authorize a hearing officer to permit a person to appear as an attorney who is not licensed to practice in Illinois. The amendments also authorize match play coupons in table games, allow machine generated jackpot payout tickets in numeric form, and prohibit use of currency for the payment of tips and gratuities to dealers.
- 6) Will this rulemaking replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemaking's pending on this Part? No

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any person may submit comments in writing concerning this proposed rulemaking by no later than 45 days after publication of this notice to:

Marcella B. Cusack
Chief Counsel
Illinois Gaming Board
160 N. La Salle, Suite 300S
Chicago, IL 60601
(312) 814-4709
- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small business, small municipalities and not for profit corporations affected: This rulemaking will not affect small business, small municipalities, or not for profit corporations.
- B) Reporting, bookkeeping, or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda, on which this rulemaking was summarized: Part of this rulemaking was summarized in the January 1997 regulatory agenda. Other technical amendments and industry suggestions were not anticipated in time for publication in the most recent regulatory agenda.

The full text of the proposed Amendments begins on the next page:

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000

RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section 3000.10	Definitions	3000.120	Place to Submit Materials ^a
3000.11	Invalidity	3000.120	No Opinion Approval of the Board
3000.12	Public Inquiries	3000.120	duty to Disclose Changes in Information
3000.102	Organization of the Illinois Gaming Board	3000.141	Applicant/Licensee Disclosure of Agents or
3000.103	Rulemaking Procedures	3000.141	Owner's and Supplier's Duty to Investigate Job-Applicants
3000.104	Rulemaking Procedures	3000.155	Investigatory Proceedings
3000.110	Disciplinary Actions	3000.160	Duty to Report Misconduct
3000.115	Records Retention	3000.161	Communication with Other Agencies
3000.120	Place to Submit Materials ^a	3000.165	Participation in Games by Owners, Directors, Officers, Key Persons
3000.120	No Opinion Approval of the Board	3000.170	or Gaming Employees
3000.130	duty to Disclose Changes in Information	3000.170	Fair Market Value of Contracts
3000.140	Applicant/Licensee Disclosure of Agents or	3000.180	Weapons on Riverboat
3000.141	Owner's and Supplier's Duty to Investigate Job-Applicants		
3000.150	Investigatory Proceedings		
3000.155	Duty to Report Misconduct		
3000.160	Communication with Other Agencies		
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons		
3000.170	or Gaming Employees		
3000.170	Fair Market Value of Contracts		
3000.180	Weapons on Riverboat		

SUBPART B: LICENSES

Section 3000.200	Classification of Licenses	3000.300	Time of Excursion
3000.210	Fees and Bonds	3000.425	Excursions During Cancelled or Disrupted Cruises; Violations and Fines
3000.220	Applications	3000.430	Prohibition on Ex Parte Communication
3000.221	Other Required Forms	3000.435	Sanctions and Penalties
3000.230	Owner's Licenses	3000.440	Transmittal of Record and Recommendation to the Board Upon Filing Request
3000.231	Distributions	3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing
3000.234	Acquisition of Ownership Interest By Institutional Investors		
3000.235	Transferability of Licenses		
3000.236	Owner's License Renewal		
3000.240	Suppliers' Licenses		
3000.245	Occupational Licenses		
3000.250	Waiver of Requirements for Licenses		
3000.260	Certification and Registration of Electronic Gaming Devices		
3000.270	Analysis of Questioned Electronic Gaming Devices		
3000.280	Registration of All Gaming Devices		

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Transfer of Registration (Repealed)

Seizure of Gaming Devices (Repealed)

Analysis of Questioned Electronic Gaming Devices (Repealed)

Disposal of Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section 3000.281	General Requirements - Internal Control System
3000.282	Approval of Internal Control System
3000.283	Minimum Standards for Internal Control Systems
3000.284	Review of Procedures (Repealed)
3000.285	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section 3000.300	General Requirements - Internal Control System
3000.310	Coverage of Subpart
3000.310	Requests for Hearings
3000.310	Appearances
3000.310	Discovery
3000.310	Motions for Summary Judgment
3000.310	Subpoena of Witnesses
3000.400	Proceedings
3000.405	Evidence
3000.410	Prohibition on Ex Parte Communication
3000.415	Sanctions and Penalties
3000.420	Transmittal of Record and Recommendation to the Board Upon Filing Request for Hearing

SUBPART E: EXCURSIONS

Section 3000.310	Time of Excursion
3000.425	Excursions During Cancelled or Disrupted Cruises; Violations and Fines
3000.430	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board Upon Filing Request

SUBPART F: CONDUCT OF GAMING

Section 3000.600	Wagering Only with Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3000.614 Tournaments, Enhanced Payouts and Give-aways
 3000.615 Payout Percentage for Electronic Gaming Devices
 Cashing-In
 3000.616 Submission of Chips for Review and Approval
 Chip Specifications
 3000.620 Primary Secondary and Reserve Sets of Gaming Chips
 3000.630 Issuance and Use of Tokens for Gaming
 Distribution of Coupons for Complementary Chips and Tokens
 3000.635 Exchange of Chip and Tokens
 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
 Inventory of Chips and Tokens
 3000.650 Distribution of Chips and Tokens
 3000.655 Minimum Standards for Electronic Gaming Devices
 Integrity of Electronic Gaming Devices
 3000.660 Bill Validator Requirements
 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

- Section 3000.700 Duty to Exclude
 Distribution and Availability of Exclusion Lists
 Criteria for Exclusion or Ejection and Placement on an Exclusion List
 3000.710 Duty of Licensees
 Procedure for Entry of Names
 3000.730 Petition for Removal from Exclusion List

SUBPART H: SURVEILLANCE AND SECURITY

- Section 3000.800 Required Surveillance Equipment
 Riverboat and Board Surveillance Room Requirements
 Segregated Telephone Communication
 3000.820 Surveillance Logs
 3000.830 Surveillance and Log
 Storage and Retrieval
 Dock Site, Board Facility
 Maintenance and Testing
 3000.850

SUBPART I: LIQUOR LICENSES

- Section 3000.900 Liquor Control Commission
 Liquor Licenses
 Disciplinary Action
 3000.920 Hours of Sale

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- Section 3000.1000 Ownership Records
 Accounting Records
 3000.1010 Standard Financial and Statistical Records
 Annual and Special Audits and Other Reporting Requirements
 3000.1020 Accounting Controls Within the Cashier's Cage
 3000.1030 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
 3000.1040 Handling of Cash at Gaming Tables
 Tips or Gratuities
 3000.1050 Deposits of Admission Tax and Wagering Tax
 Cash Reserve Requirements
 3000.1071
 3000.1072
- SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS**
- Section 3000.1080 Coverage of Seizure
 3000.1100 Duty to Maintain Suitability
 3000.1110 Board Action Against License or Licensee
 Complaints
 3000.1115 Appearances
 Answer
 3000.1125 Appointment of Hearing Officer
 Discovery
 3000.1130 Motions for Summary Disposition
 Subpoena of Witnesses
 3000.1135 Proceedings
 3000.1140 Evidence
 3000.1145 Prohibition of Ex Parte Communication
 3000.1150 Sanctions and Penalties
 3000.1155 Transmittal of Record and Recommendation to the Board
- AUTHORITY:** Implementing and authorized by the Riverboat Gambling Act (230 ILCS 101).
- SOURCE:** Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18253, effective December 10, 1991; amended at 16 Ill. Reg. 11310, effective August 17, 1992; amended at 17 Ill. Reg. 15120, eff.-active July 9, 1993; amended at 20 Ill. Reg. 584.4, effective April 9, 1996; amended at 20 Ill. Reg. 680, effective April 22, 1998; emergency amendment at 20 Ill. Reg. 805L, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; amended at 21 Ill. Reg. _____, effective _____.
- SUBPART A: GENERAL PROVISIONS**
- Section 3000.100 Definitions**

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

For purposes of these Rules the following terms shall have the following meanings:

"Act": The Riverboat Gambling Act. [230 ILCS 10/]

"Affiliate": An "Affiliate of", or person "Affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Alcoholic Liquors": Includes alcohol,spirits,wine and beer, and every liquid or solid,patented or not,containing alcohol,spirits,wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a business entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency, validates the currency, stores the currency and issues Electronic Credits equal to the value of currency inserted into the device.

"Board": The Illinois Gaming Board.

"Business Entity": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an Owner's License for use in Gaming other than in Electronic Gaming Devices on such holder's Riverboat or Riverboats.

"Chip Float": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Dependent": Any individuals who received over half of his support in a calendar year from any other individual.

"Electronic Cards": A card purchased from a holder of an Owner's license license for use on that holder's Riverboat Gaming Operation as

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

as substitute for Tokens in the conduct of gaming on an Electronic Gaming Device.

"Electronic Credit": A value owed to a patron on an Electronic Gaming Device.

"Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single-Position Reel-Type, Single-Position Single-Game Video and Single-Position Multi-Game Video Electronic Gaming Devices.

"Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens (including without limitation Free Tokens and slugs) collected from the drop bucket and United States currency collected from the Bill Validator drop box.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid Jackpots minus hopper fills.
"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a game on an Electronic Gaming Device.

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section 3000.720 of these rules.

"Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a Riverboat Gaming Operation may, in the opinion of the Board or the Administrator, call into question the honesty or integrity of the Riverboat Gaming Operation or pose a threat to the interests of the State of Illinois.

"Game": A gambling activity which is played for money, property, or anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting,

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

result of a Game by determining win or loss, including without machines; cards or dice; layouts for Live Gaming Devices; or representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards; and hardware and software related to any item described herein.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license Bearer who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.

"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

"Indirect Interest": An interest in a Business Entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144a) under the Securities Act of 1933, as amended.

"Internal Control System": Proprietary internal procedures and administration and accounting controls designed by the holder of an Owner's license Bearer for the purpose of exercising control over the Riverboat Gaming Operation.

"Junketeer": A person or entity who is compensated depending on how much a patron actually either wagers or loses on-or-a-determination-by-the-holder-of-the-owner's-license-on-betting-operation-Manager-as-to-the-potential-amount-a-patron-wager-or-hose.

"Key Person":

For a publicly-held Business Entity subject to the Act, "key person" shall mean an officer, director, trustee, partner, managing agent, holder of any direct, indirect or beneficial ownership interest of 5% or more of a licensee or other entity subject to the Act; and any person identified by the Board as a person able to control or exercise significant influence over the management or operating policies of a licensee or other entity subject to the Act.

For other than a publicly-held Business Entity subject to the Act, "key person" shall mean an officer, director, trustee, partner, managing agent, holder of any direct, indirect or beneficial ownership interest of 5% or more of a licensee or other entity subject to the Act; and any person identified by the Board as a person able to control or exercise significant influence over the management or operating policies of a licensee or other entity subject to the Act.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

beneficial ownership interest of a licensee or other entity subject to the Act; and any person identified by the Board as a person able to control or exercise significant influence over the management or operating policies of a licensee or other entity subject to the Act.

"Live Gaming Device": Any apparatus, other than an Electronic Gaming Device, upon which Gaming is conducted or which determines an outcome which is the object of a wager. This definition includes but is not limited to roulette wheels, keno machines, punchboard tickets and tables with layouts utilized in Games approved by the Board.

"Marketing Agent": A person or entity other than a junketeer or an employee of a Riverboat Gaming Operation who is compensated by the Riverboat Gaming Operation in excess of \$100 per Patron Net Trial for identifying and recruiting patrons.

"Non-Value Chip": A Chip clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, Fine, Exclusion or other action issued by the Board.

"Payout": Winnings earned on a wager.

"Petitioner": An applicant, licensee, or excluded person who requests a hearing upon issuance of a Notice of Board Action.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a Game, the value of which is determined by the contribution of a portion of each wager placed into play or the combined amount of several wagers linked to a common jackpot award.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

"Riverboat Gaming Operation": The owner licensee, Gamin' Operations Manager, or, as the context requires, the conducting of Gaming and all related activities, including without limitation the purveying of

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities.

"Signature": The definitive identity of an individual specific to chip, determined by electronic analysis and reflective of the ERON chip's game behavior capability.

"Supplier": Either a Gaming Operations Manager or a provider of Gaming Equipment, Gaming Equipment maintenance or repair services, security services or lessor of a Riverboat or dock facilities or a provider of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.

"Support Facility": A place of business which is part of, or operates in conjunction with, a Riverboat Gaming Operation and is owned in whole or part by a holder of an Owner's or Supplier's license, licensee or any of their key persons, including their limitation, Riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an Owner's license known through play at a live game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The percentage of Tokens wagered which will be returned to players by an Electronic Gaming Device.

"Token": A metal representative of value, redeemable for cash only at the issuing Riverboat Gaming Operation and issued and sold by a holder of an Owner's license license for use in Gaming.

"Token Dispenser": Any mechanical or electrical device designed for the purpose of dispensing an amount of Tokens equal to the amount of currency inserted into the device.

"Token Float": The difference between the total face value of Tokens received from vendors and the total face value of Tokens accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Value Chip": A Chip clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation and the specific value of the Chip.

"Wager": A sum of money or thing of value risked.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 3000.150 Owner's and Supplier's Duty to Investigate Job Applicants

- (Source: Amended at 21 Ill. Reg. _____, effective _____,
 job Applicants. The holder of an Owner's or Supplier's license shall investigate the background and qualifications of all applicants for jobs which its employees will perform at a Riverboat Gaming Operation. License by the Board may not be relied on as the sole criterion for hiring a job applicant.
- a) Marketing Agents.
 - b) Marketing Agents.
- 1) The holder of an Owner's license shall investigate the background of Marketing Agents, with whom it intends to have a contractual relationship or enter into an agreement;
- 2) The holder of an Owner's license has an affirmative duty to avoid agreements or relationships with Marketing Agents whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois who threaten the integrity of Gaming in Illinois or who disrepect or tend to discredit the Illinois Gaming industry or the State of Illinois;
 - 3) The holder of an Owner's license shall receive the prior approval of the Administrator for use of each Marketing Agent; and
 - 4) An agreement between the holder of an Owner's license and a Marketing Agent shall contain a cancellation clause that allows termination of the agreement in the event that the Administrator or holder of an Owner's license finds that the contractual relationship fails to meet the requirements of this subsection (b).

Section 3000.150 Owner's and Supplier's Duty to Investigate Job Applicants

- (Source: Amended at 21 Ill. Reg. _____, effective _____,
 job Applicants. The holder of an Owner's or Supplier's license shall investigate the background and qualifications of all applicants for jobs which its employees will perform at a Riverboat Gaming Operation. License by the Board may not be relied on as the sole criterion for hiring a job applicant.
- a) Marketing Agents.
 - b) Marketing Agents.
- 1) The holder of an Owner's license shall investigate the background of Marketing Agents, with whom it intends to have a contractual relationship or enter into an agreement;
- 2) The holder of an Owner's license has an affirmative duty to avoid agreements or relationships with Marketing Agents whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois who threaten the integrity of Gaming in Illinois or who disrepect or tend to discredit the Illinois Gaming industry or the State of Illinois;
 - 3) The holder of an Owner's license shall receive the prior approval of the Administrator for use of each Marketing Agent; and
 - 4) An agreement between the holder of an Owner's license and a Marketing Agent shall contain a cancellation clause that allows termination of the agreement in the event that the Administrator or holder of an Owner's license finds that the contractual relationship fails to meet the requirements of this subsection (b).

Section 3000.220 Applications

(Source: Amended at 21 Ill. Reg. _____, effective _____,
 LICESNES

SUBPART B: LICENSES

- a) Application Forms. Application forms shall be submitted by applicants as provided in this Section.
- 1) Owner's License, Owner's License Application Form and Business Entity Form or Personal Disclosure Form 1 for each of the applicant's Key Persons, or any other principal or Investor as the Board may require.
 - 2) Supplier's License. Supplier's License Application Form and Business Entity Form or Personal Disclosure Form 1 for each of the applicant's Key Persons, or any other principal or investor as the Board may require.
- 3) Occupation License, Level 1. Personal Disclosure Form 1.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4) Occupation License, Level 2. Personal Disclosure Form 2.
- 5) Occupation License, Level 3. Personal Disclosure Form 3.
- b) Additional or Different Forms or Materials. An applicant may be required to submit forms or materials in addition to those listed in subsection (a).
- c) Application Procedures
 - 1) An applicant is seeking a privilege and assumes and accepts any criticism or adverse publicity, notoriety, embarrassment, and all risk of adverse publicity, or financial loss which may occur in connection with the application process.
 - 2) Any misrepresentation or omission made with respect to an application may be grounds for denial of the application.
 - 3) Application forms and requested materials shall be submitted in triplicate. Application forms and requested materials for Owner's and Supplier's licenses shall be submitted in bound form.
 - 4) Applicants for Occupation licenses shall be photographed and fingerprinted at the time of application at a place designated by the Administrator.
 - 5) An application shall be deemed filed when the completed application form, including all required documents and materials, and the application fee have been submitted.
 - d) Amendments and Incorporation by Reference
 - 1) An application may be amended only upon leave of the Board.
 - 2) The Board may allow information, documents, or other materials submitted by an applicant to be incorporated by reference into a subsequent application.
 - e) Withdrawal of Applications.
 - 1) An Owner's or Supplier's application may be withdrawn only upon leave of the Board.
 - A) A request for leave to withdraw an application for an Owner's license shall not be considered by the Board unless received prior to Board action regarding a finding of preliminary suitability under Section 300.230(c). However, applicants who have been found preliminarily suitable may seek leave to withdraw after such finding.
 - B) A request for leave to withdraw an application for a Supplier's license shall not be considered by the Board unless received prior to Board action on licensure under Section 300.240.
 - C) The Board may deny leave to withdraw an Owner's or Supplier's application if it determines that withdrawal of the application would not be in the best interests of the public and the gaming industry.
 - 2) If an application for an Owner's or Supplier's license is withdrawn, the applicant may not reapply for a license within one (1) year from the date withdrawal is granted, without leave of the Board.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Applications for Occupational licenses may be withdrawn without leave of the Board, if written notification of withdrawal is received prior to Board action on licensure under Section 300.245 and unless the intended withdrawal is objected to by the Administrator in which case leave of the Board is required.
- (Source: Amended at 21 Ill. Reg. _____, effective _____)
- Section 300.221 Other Required Forms**
- a) Marketing Agent Forms. The holder of an Owner's license shall complete and submit a Marketing Agent Form provided by the Board, or the information requested therein, to the Board for each Marketing Agent with whom it intends to do business.
 - b) Institutional Investor Disclosure Form. Institutional investors are required to submit the Institutional Investor Disclosure Form as required under Section 300.234.
 - c) Trust Identification and Disclosure Forms. Key persons of applicants for, or holders of an Owner's or Supplier's license and employees for or holders of an Occupational Level One license shall submit a Revocable Trust Identification Forms and Trust Disclosure Form for estates (excluding land trusts, for which they are a testator, trustee or beneficiary).
- (Source: Added at 21 Ill. Reg. _____, effective _____)
- Subpart D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST**
- Section 300.405 Requests for Hearings**
- a) All requests for hearings must:
 - 1) Be in writing;
 - 2) State the name, current address and current telephone number of the petitioner; and
 - 3) State in detail the reasons why and the facts upon which the petitioner will rely to show, in cases involving licensure or transfer of ownership, that the petitioner is suitable for licensure or transfer, including specific responses to any facts enumerated in the Board's Notice of Denial. In matters involving exclusion, the petitioner shall state in detail the reasons why he should not be excluded. In matters involving restriction of licensure the petitioner shall state in detail the reasons why and the facts upon which the petitioner will rely to demonstrate why the license should not be restricted.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4) All requests for hearings must be verified. Such verification shall be notarized and shall include a certification in the following form:
 The undersigned certifies that the statements set forth in this request for hearing are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.
- b) A request for hearing must be submitted within five days after the date of delivery of the Notice of Denial or Restriction of License, a request for hearing must be submitted within 30 days after the date of delivery of Notice of Exclusion.
- 1) The petitioner may submit a request for hearing by:
- A Personal Delivery;
 - Certified Mail, postage prepaid; or
 - Overnight express mail, postage prepaid.
- 2) All requests for hearings must be submitted to the Administrator, with a copy sent to the Chief Legal Counsel at the Board's offices in either Springfield or Cook County.
- 3) A request for hearing submitted by certified mail or overnight express mail shall be deemed timely submitted if it is postmarked no later than five days after date of delivery of a Notice of Denial or Restriction of License under the Act, or 30 days after service of the Notice of Exclusion.
- c) A request for hearing should be deemed granted unless denied. The Board may deny a request for hearing if the statement of reasons and facts which it contains does not establish a prima facie case or fails to comply with any of the other requirements of subsection (a) or (b) of this Section. The Board's denial of a request for hearing is a final decision, and the denial or restriction of licensure, denial of ownership transfer, or the order of exclusion becomes a final order on the date the Board denies the request for hearing.
- d) A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in the best interests of the public and the Gaming industry. If the Board allows a petitioner an appeal to withdraw hearing request, the initial denial or restriction of license or the order of exclusion becomes a final Board order on the date leave to withdraw is granted. If the petitioner does not prosecute his case after 21 days, the Board may move for entry of default judgment against Petitioner.
- e) The Chairman of the Board may appoint a Board member or an attorney admitted to the practice of law by, and in good standing with, the Illinois Supreme Court as an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may appoint the Administrative Law Judge to conduct a hearing in accordance with this Subpart. The petitioner will be copied on the letter of appointment and such letter will serve as

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

notice of the pendency of the hearing. The Administrative Law Judge shall establish a status date and notify the parties thereof. If the petitioner believes the Administrative Law Judge is biased or has a conflict of interest, the petitioner may move to disqualify the assigned Administrative Law Judge. A petition adverse ruling or rulings against the petitioner or its representative in another matter or matters shall not, in and of themselves, constitute grounds for disqualification. On satisfaction of proof submitted by the petitioner in support of the motion to disqualify, the Administrative Law Judge shall immediately recuse himself or herself from the proceeding and submit the case to the Board for reassessment.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 3000.410 Appearances

- a) A petitioner may be represented by an attorney who is licensed in Illinois. All attorneys who appear in a representative capacity on behalf of a petitioner must file written notice of appearance setting forth:
- The name, address and telephone number of the attorney(s);
 - The name and address of the petitioner represented; and
 - An affirmative statement indicating that the attorney is licensed in Illinois.
- b) Only individual attorneys may file appearances. Any petitioner's attorney who has not filed an appearance may not address the hearing officer or sign pleadings.
- c) Member-in-good-standing-of-the-bar-of-the-highest-court-of-any-state-or-of-any-United-States-District-Court-May-be-spun-motley-or-be-permitted-to-argue-or-conduct-a-hearing-in-whole-or-in-part
- d) An attorney may only withdraw his appearance upon written notice to the hearing officer.
- e) A petitioner may appear on his own behalf.
- f) A partnership may be represented by a partner.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART F: CONDUCT OF GAMING

Section 3000.600 Wagering Only with Approved Chips, Tokens and Electronic Cards

- a) Except as provided in subsection (b) of this Section, Riverboat Gaming Wagers may be made only with Chips, tokens or Electronic Cards approved by the Administrator and purchased from a holder of an Owner's license. Such Chips, tokens or Electronic Cards may

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

only as used as set forth in the owner licensee's Internal Control System. At the option of the owner licensee, Electronic Credits may either be used as a wager on an Electronic Gaming Device or be withdrawn in the form of Tokens from the Electronic Gaming Device.

b) Riverboat Gaming Vouchers may be made with match play coupons issued by the holder of an Owner's license and approved by the Administrator. Such match play coupons may only be used in conjunction with the Wager of a Chip as set forth in the owner licensee's Internal Control System.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 3000.660 Minimum Standards for Electronic Gaming Devices

a) Electronic Gaming Devices shall pay out a mathematically demonstrable percentage of all amounts wagered, which must not be less than 80%, nor more than 100% unless otherwise approved by the Administrator. Electronic Gaming Devices that may be affected by player skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.

b) Electronic Gaming Devices shall:

- 1) Be controlled by a microprocessor or the equivalent;
- 2) Be compatible to on-line data monitoring;
- 3) Have a separate locked internal enclosure within the device for the circuit board containing the EPROM;
- 4) Be able to continue a Game with no data loss after a power failure;
- 5) Have previous and current Game data recall;
- 6) Have a random selection process that must not produce detectable patterns of Game elements or detectable dependency upon any previous Game outcome within the device or the style or method of play;

7) Clearly display applicable rules of play and the payout schedule;

8) Display an accurate representation of each Game outcome. After selection of the Game outcome, the Electronic Gaming Device must not make a variable secondary decision which affects the result shown to the player;

9) Have a complete set of nonvolatile memory tokens-in, tokens-out, tokens dropped and jackpots paid;

10) Make available for random selection the initiation of each play each possible permutation or combination of game elements which produce winning or losing Game outcomes; and

11) Not automatically alter pay-tables or any function of the Electronic Gaming Device based on internal computation of the hold percentage.

c) When an Electronic Gaming Device is unable to drop sufficient tokens for payment of jackpots requiring the payment to be made by the

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Riverboat, jackpot payout tickets must be prepared containing the following information:

- 1) The location of the Electronic Gaming Device;
 - 2) The date;
 - 3) The time of day;
 - 4) The Electronic Gaming Device number;
 - 5) The amount of the jackpot payout in numeric form if the ticket is machine generated, or in written and numeric form if the ticket is prepared manually;
 - 6) The signature of the holder of an Owner's license, or
 - 7) A signature of at least one other Riverboat Gaming Operation employee attesting to the accuracy of the form.
- d) Electronic Gaming Devices linked to any Progressive Jackpot system shall meet the following specifications:
- 1) The value of a Progressive Jackpot shall be clearly displayed above the interlined Electronic Gaming Devices, and metered incrementally by a Progressive Controller. Any Electronic Gaming Device that offers a Progressive Jackpot, or that is linked to a Progressive Jackpot, must prominently display manufacturer-supplied glass indicating either that a Progressive Jackpot is to be paid or indicating the current amount of the jackpot. All Electronic Gaming Devices linked and contributing to a common Progressive Jackpot shall contain EPROMs with identical theoretical payout percentage;
 - 2) A Progressive Jackpot may be transferred to another progressive Electronic Gaming Device at the same location in the event of a device malfunction or replacement, with approval of the Administrator;
 - 3) A holder of an Owner's license may impose a limit on the Progressive Jackpot of an Electronic Gaming Device which are linked to any Progressive Controller such as—the minimum payout—is—greater—than—the permissible maximum jackpot payout showing on any individual Electronic Gaming Device linked-to-other Progressive Jackpot;
 - 4) No Progressive Jackpot indicator shall be cancelled or turned back to a lesser amount unless one of the following circumstances occurs:
 - A) The amount shown on the progressive meter is paid to a player as a jackpot;
 - B) It becomes necessary to adjust the progressive meter to prevent the jackpot indicator from displaying an amount greater than the limit imposed by the Riverboat Gaming Operation pursuant to subsection (d)(3) of this Section;
 - C) It becomes necessary to change the Jackpot indicator because of an Electronic Gaming Device malfunction, in which case such malfunction and adjustment must be recorded by appropriate Electronic Gaming Device monitoring on-line data

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 5) A holder of an Owner's license licensee who is liable for payment of a progressive jackpot must secure the amount of same by a cash deposit, a performance bond, or a security instrument nationally recognized in the Gaming industry. The Administrator must approve all deposits, bonds, or other instruments, and the Administrator instrument must be secured in a method approved by the Administrator.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART J: OWNERSHIP AND ACCOUNTING RECORD AND PROCEDURES

Section 3000.1070 Tips or Gratuities

- a) No dealer gaming employee shall accept currency as a tip or gratuity from any patron.
- b) No Riverboat Gaming Operation Key Person, boxperson, floorperson or any other employee who serves in a supervisory position shall accept any tip or gratuity from any player or patron of the Riverboat Gaming Operation where he is employed. No Riverboat Gaming Operation Key Person or employee shall solicit any such tip or gratuity. The holder of an Owner's license shall not permit any practices prohibited by subsection (a) above.
- c) All tips and gratuities given to dealers shall be:
- 1) Immediately deposited in a transparent locked box reserved for that purpose, except that:
 - A) One dollar chips received as tips shall be either immediately deposited into the transparent locked box or immediately placed in the clear Chip tube which is permanently mounted on the top of the Gaming table. Once the Chip tube is full, the floorperson shall witness the exchange of the one dollar Chip for a higher denomination Chip from the Chip rack. The higher denomination Chip will be immediately deposited into the transparent locked box and the one dollar Chips will be placed in the Chip rack.
 - B) If Non-Value Chips are received at a roulette table, the marker button indicating their specific value shall not be removed from the slot or receptacle attached to the outer rim of the roulette wheel until after a dealer in the presence of a supervisor has converted them into Value Chips which are immediately deposited in a transparent locked box reserved for the purpose!
- 2) Accounted for by a recorded count conducted by a randomly selected dealer and a randomly selected non-gaming employee;
- 3) Placed in a pool for pro rata distribution among the designated employees. Tips or gratuities from this pool shall be deposited

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

into the holder of an Owner's licensee's payroll account. Distributions from this pool shall be made following the holder of an Owner's license's licensee's payroll accounting practices and shall be subject to all applicable state and federal withholding taxes.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section 3000.1125 Answer

- a) Service of Answer
- Within twenty-one days from the date of service of the complaint, the licensee shall file his answer by serving copies thereof on the Administrator and Chief Legal Counsel at either the Board's Springfield or Cook County office. Service may be made by personal delivery, certified mail, postage prepaid, or overnight express mail. An answer shall be deemed filed on the date on which it is posted, or if personally delivered, the date received at the Board's office. No answer shall be deemed filed if it fails to comply with all the requirements of this Section. If an answer is not filed within 21 days from the date of service of the complaint, the order of action of the Board becomes a final decision.
- b) Answer shall include:
- 1) An admission or denial of each factual allegation in the statement of facts in the complaint; and
 - 2) If the licensee denies any of the factual allegations, a revised statement of the denied factual allegations as he believes them to be true.
- 3) All answers must be verified. Such verification shall be notarized and shall include a certification in the following form:
- The undersigned certifies that the statements set forth in this answer are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 3000.1126 Appointment of Hearing Officer

- a) The Chairman of the Board may appoint a Board member or an attorney admitted to the practice of law, and in good standing with the Illinois Supreme Court as an Administrative Law Judge to conduct a

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

hearing in accordance with this Subpart. If designated, the administrator may appoint an Administrative Law Judge to conduct a hearing in accordance with this Subpart.

b) If the petitioner believes the Administrative Law Judge is biased or has a conflict of interest, the petitioner may move to disqualify the assigned Administrative Law Judge. A prior adverse ruling or rulings against the petitioner or its representatives in another matter of matters shall not, in and of themselves, constitute grounds for disqualification. On satisfaction of the motion to disqualify, the petitioner shall immediately recuse himself or herself from the proceedings and submit the case to the Board for reassignment.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Heading of the Part: The Taking of Wild Turkeys - Spring Season

- 1) Heading of the Part: The Taking of Wild Turkeys - Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3) Section Numbers: 710.10
710.20
710.22
710.28
710.30
710.50
710.55
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.10, 2.9, 2.10 and 2.11 of the Wildlife Code 150 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11;
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part include opening new counties, changing application periods for permits, clarifying language about the regulations on archery equipment, opening and closing state-owned or managed sites to the spring turkey season, creating a youth turkey hunt, and changing regulations and application procedures on the sites.

- 6) Will this rulemaking replace any emergency rulesakin currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other unclosed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner: In which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping, or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because the Department neglected to file a regulatory agenda on this part.

The full text of the proposed amendments begins on the next page.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER II: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER 4: LAW ENFORCEMENT

PART 710

THE TAKING OF WILD TURKEYS - SPRING SEASON

Section	
710.5	Hunting Zones
710.10	Hunting Seasons
710.21	Statewide Turkey Permit Requirements - Special Hunts (Renumbered)
710.22	Turkey Permit Requirements - Landowner/Menant Permits
710.25	Turkey Permit Requirements - Special Hunts
710.28	Turkey Permit Requirements - Heritable Youth Turkey Hunt
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department Owned or Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, P. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3892, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 3663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6846, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5080, effective April 4, 1989; amended at 14 Ill. Reg. 633, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 710.10 Hunting Seasons

- 4) Northern Zone Season Dates:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1st Season: Monday, April 13th- April 18th - Friday, April 17, 1998

2nd Season: Saturday, April 19th - Thursday, April 23,
1998 24th-29th

3rd Season: Friday, April 24th - Friday, May 1, 1998 27
1997

4th Season: Saturday, May 23 - Wednesday, May 27, 1998 27
1997

b) Southern Zone Season Dates:

1st Season: Monday, April 6th - Friday, April 10, 1998 11th

2nd Season: Saturday, April 11th - Thursday, April 16,
1998 17th-19th

3rd Season: Friday, April 17th - Friday, April 24, 1998
25th-29th

4th Season: Saturday, April 25th - Wednesday, May 6, 1998
7th-11th

c) Open Counties:

NORTHERN ZONE

Adams

Boone

Brown

Calhoun

Carroll

Cass

Christian

Clark

Coles

Cumberland

Fulton

Greene

Grundy

Hancock

Henderson

Henry

Jersey

Jo Davies

Kankakee

Knox

LaSalle

Lee

Maccupin

Marshall-Putnam

Mason

McDonough

Menard

Mercer

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Montgomery

Morgan

Ogle

Pearl

Pike

Rock Island

Schuylerville

Scott

Shelby

Stephenson

Tazewell

Vermilion

Warren

Whiteside

Winnebago

Woodford

SOUTHERN ZONE

Alexander

Bond

Clay

Clinton

Crawford

Edwards

Effingham

Fayette

Hamilton

Gallatin-Hardin

Jackson

Jasper

Jefferson

Johnson

Lawrence

Madison

Marion

Massac

Montroe

Perry

Pope

Pulaski

Randolph

Richland

Saline

St. Clair

Union

Wabash

Washington

Wayne

White

**DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS**

Williamson

(Source: Amended at 21 Ill. Reg. _____)

Section 710.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15.00. Non-resident turkey hunters shall be charged \$75.00 for the first wild turkey hunting permit, and \$25.00 for each additional permit. Residents, except those exempted by Section 3.1 of the Wildlife Code [520 ILLCS 5/3.1] are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:
- Department of Natural Resources - Turkey
521 S. Second Street, Room 210
Springfield, Illinois 62794-9446
P.O. Box 19446

- b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 4 applications may be submitted per group hunter. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.

- c) Applications from Illinois residents will be accepted from the date on which they become available through December 1, first-working-day-after New Year-->--day-until-the-first-working-day-of-the-month. Applications received in the permit office that are postmarked after December 1, the tenth-working-day will be returned and will not be included in the next computerized drawing. All requests must be on an official application form. Permits are not transferable and refunds will not be granted. Permits will be allocated in a computerized drawing to be held in Springfield in--which--the--first--choice--of--season--will--be--attested--before--the--second--or--third--choice--are--considered. Applicants selected in this drawing will receive preference in the next year's drawing for spring hunting season permits subject to guidelines outlined in subsection (d), tdy.
- d) Permits not issued during the first computerized drawing will be available in a second computerized lottery drawing random--daily drawing--beginning--the--first--Wednesday--after--February--10. Applications for this drawing will be accepted through the first working day after January 10. Applications received after this date will be included in the next drawings. All hunters not receiving a permit in the first computerized drawing and non-residents may apply

**DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS**

at this time for the available permits.

- e) Any permits remaining after the second lottery drawing will be available in a third lottery drawing to any hunter who has not received a permit, and to hunters that have received only one permit. Applications for this third drawing will be accepted through the first working day after February 8. Applications received after this date will be included in the next drawing not--issued--as--of--the--second--Monday--in--March--is--a--lottery--event--drawing--to--those--hunters--who--have--previously--received--one--permit.

- f) Permits remaining after the three lotteries will be available in a random daily drawing that begins the first working day after March 8. All applications received on, or before the first working day after March 8 will be processed in the first daily drawing. This drawing period is open to hunters applying for their first, second, or third permits.

- g) The following criteria must be met to obtain preference in the first computerized drawing:
- 1) The applicant must apply using the official agency application.
 - 2) The applicant must be a resident of the State, be eligible to receive a spring turkey permit, and not had turkey hunting privileges revoked.
 - 3) The applicant must apply for the same county and season choices which he/she listed on the previous year's application. Preference will not be granted for special hunt areas as listed in Section 710.25 or for permit areas listed in Section 710.50(c).

- h) A \$3.00 service fee will be charged for replacement permits issued by the Department.

- i) It shall be unlawful to:
- 1) Submit applications before the second computerized lottery drawing for Monday-in-March-for-receiving more than one permit for the same person, and thereafter, submit all of applications for receiving more than three permits for the same person.

- Applicants may--apply--for--up-to--two--additional--permits--prior--to--the--second--Monday--in--March--if--the--application--and--the--envelope--are--marked--"Application--for--March--Drawing--Additional--Permit"--Such--applications--will--not--be--processed--until--the--second--Monday--in--March.

- 2) Submit applications before the third computerized lottery drawing for more than three permits for the same person.

- j) Apply for or receive more than three permits for the spring turkey season.

- k) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

- l) Submit applications before the third computerized lottery drawing for more than three permits for the same person.

- m) Apply for or receive more than three permits for the spring turkey season.

- n) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

- o) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

- p) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

- q) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

- Source: Amended at 21 Ill. Reg. _____, effective _____,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Section 710.22 Turkey Permit Requirements – Landowner/tenant Permits

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey hunting permit for their property only in counties open for turkey hunting.
- d) Non-resident landowners/tenants that do not reside on the property must possess a valid hunting license. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$77.50.
- e) Landowners or tenants are not required to participate in the public drawing for permits. Landowner/tenant permits are valid for the entire 31 days encompassed by the 4 seasons, but allow the taking of only one wild turkey.
- f) Recipients of Landowner/tenant permits to hunt their owned or leased property may apply for a second permit in the third lottery (the first workin' day after February 28), and a third permit in the Random Drawin' Period that begins the first workin' day after March 8 up to two additional county-wide permits from any permits not issued as of the second Monday in March through the random drawin' drawing. Fees for these nonresidents will be \$110.00 for residents and \$250.00 for additional permits.
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of Property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of copy of most recent real estate tax statement upon which landowner's name appears;
- 4) Submittal of a copy of the authorized form from the Agricultural Stabilization and Conservation Service either an Agri-commodity Eredit-Erporation-Form-477; or
- 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- g) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

copy of one of the following:

- 1) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
- 2) Submittal of a copy of the authorized form from the Agricultural Stabilization and Conservation Service either an Agri-commodity Eredit-Erporation-Form-476-or-Commodity
- h) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate families may receive turkey permits.
- i) Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for maximum number of 15 permits only, shall be issued based on ownership lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 710.28 Turkey Permit Requirements – Heritage Youth Turkey Hunt

- a) The Heritage Youth Turkey Hunt is defined as a youth-only turkey hunt. The Heritage Turkey Hunt is open only to Illinois residents who will be at least 10 years of age but not have reached their 16th birthday by the start of the Heritage Turkey Hunt. All participants must have completed a Department-approved Hunter Education course. All youth hunters must have a current, valid Heritage Youth Turkey Permit (\$10). For permit application and other information write to: Illinois Department of Natural Resources
Division of Education
Public Events & Promotions
224 S. Second Street
Springfield, IL 62701-1187
- b) This program is co-sponsord by the Illinois Department of Natural

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Resources and the National Wild Turkey Federation (N.W.T.F.) and its member chapters. Applicants cannot be a son, daughter, brother or sister of a National Wild Turkey Federation chapter committee member. Permit applications must complete the official agency Heritite Youth Turkey Permit application and submit it to a local N.W.T.F. chapter. The N.W.T.F. chapter will determine which application will be submitted to the Department. Only one application per N.W.T.F. chapter will be accepted by the Department. No application will be accepted by the Department which does not have an N.W.T.F. chapter endorsement and a \$10 permit fee. Applicants may submit an alternate application in case the first submitted above the youth's name on the application "ALTERNATE APPLICATION" must be printed. The application does not require a permit fee to be submitted with the application.

d) The N.W.T.F. chapter selection process must be open to the public. The season date(s) and open counties will be determined annually by the Director of the Illinois Department of Natural Resources. The number of permits issued will be in addition to the established county limit quotas. The dates of the application period for permits will be publicly announced annually by the Department.

e) The applicants must be Illinois residents and not have had their turkey hunting privileges suspended or revoked in this State.

f) If more than one application for an Illinois Heritite Youth Turkey Hunt Permit is received in the same name, all applications submitted in that name will be rejected and permits removed.

g) Successful applicants will be notified by mail when and where they should report to receive their permit. Permits shall be issued at the time of the hunt. All permit holders shall be required to attend an instructional session preceding the hunt.

h) Each Illinois Heritite Youth Turkey Hunt Permit holder is required to be accompanied by a parent/guardian or responsible adult who possesses a valid firearms owners identification (F.O.I.D.) card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult is not allowed to hunt, but may call.

i) The Heritite Youth Turkey Hunting Permit will only be valid for the date(s) and county(ies) listed on the permit. Each youth must also possess a valid Illinois hunting license prior to hunting.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 710.30 Turkey Hunting Regulations

It is unlawful:

a) to use live turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait);

b) to take any wild turkey except a hen with a visible beard or a gobbler

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(male):
 c) to take, or attempt to take, more than three wild turkeys during the spring season, one must have a valid permit for each turkey that is taken;
 d) to use any weapon except a shotgun or bow and arrow. #4 shot is the largest and #7 1/2 is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch drawlength-with-a-metres barbs-barbed-head-that-can-not-pass-through-a-7/8-inch-diameter-noise-is-the-only-legal-arrow. Minimum arrow length is 20 inches and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbs and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-headed; broadheads with expandable blades must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal;
 e) to hunt except from 1/2 hour before sunrise to noon during each day of the season;
 f) for any person having taken the legal limit of wild turkey(s) to further participate with a weapon in any hunting party for the purpose of taking additional wild turkeys;
 g) for any person to possess while in the field during wild turkey season any turkey permit issued to another person (permits are non-transferable);
 h) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill and before the turkey is moved, transported or field dressed. The wild turkey shall be taken whole (or field dressed) to the designated check station for the county in which it was killed, or the closest check station, by the hunter in person, by 2:00 P.M. the same day it was killed. It will be checked, tagged and recorded by the Department at the check station;
 i) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.;
 j) for any person to hunt wild turkeys without possessing a Wild Turkey Hunting Permit which shall include the hunter's signature recorded on the permit and carried on the person while hunting;

k) for any person to use a turkey call that initiates sounds made by a turkey or to attempt to call a turkey by making those sounds while in the field from March 15 through the day before turkey season in counties open to turkey hunting.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 710.50 Regulations at Various Department Owned or Managed Sites

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- a) Hunters must sign in/sign out at all sites in subsections (b) and (c) which are followed by a (1).
b) Statewide regulations shall apply for the following sites:

- Anderson Lake Conservation Area (1)
Argyle Lake State Park (1)
Cache River State Natural Area (1)
Campbell Pond Wildlife Management Area
Carlyle Lake Wildlife Management Area
Cypress Pond State Natural Area (1)
Dog Island Wildlife Management Area (1)
Ferne Clyffe State Park - Cedar Draper Bluff Hunting Area (1)
Fort de Chartres State Historic Site (muzzleloading shotgun or archery only) (1)
Franklin Creek State Park (1)
Giant City State Park (1)
Horseshoe Lake Conservation Area - Alexander County (controlled goose hunting area and public hunting area only)
I-24 Wildlife Management Area (1)
Jubilee State Park (archery only) (1)
Kaskaskia River State Fish and Wildlife Area (except for that area lying north of Highway 15, east of the Kaskaskia River, and south of the Risdon School Road and Beck's Landing access road) (1)
Kinkaid Lake Fish and Wildlife Area (1)
Mark Twain National Wildlife Refuge, Gardner Division
Mississippi River Fish and Wildlife Area (Pools 25 and 26 Rte-227 217-257-6)
Mississippi River Pools 16, 17, 18, 21, 22, and 24 - e-18

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Oakford Conservation Area
Pere Marquette State Park (designated area only) (1)

Ray Norbut Fish and Wildlife Area (1)

Rend Lake State Fish and Wildlife Area

Saline County Fish and Wildlife Area (1)

Sangamon Conservation Area

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area - Firing Line Unit and Public Hunting Areas only (1)

Weinberg-King State Park (1)

Wildcat Hollow State Forest (1)

c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Little River Canyon State Park (1)

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Castle Rock State Park (1)

Chautauky Marsh

Crawford County Conservation Area

East Conant

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Area 10-15 Only) (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Fox Ridge State Park (first 2 seasons only) (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area

Harry 'Babe' Woodard State Natural Area (1)

Hidden Springs State Forest (first 2 seasons only) (1)

Johnson-Sauk Trail State Park (1)

Kickapoo State Park (1)

Lake Shelbyville-Corps of Engineers Managed Lands (Shelby County)
Little Vermilion-River-Natural-Area-(1)

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marshall Fish and Wildlife Area (1)

Market Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closes after the second Sunday
of the fourth season; fourth season permits will be limited to
those remaining after the disabled hunt drawing) (1)

Panther Creek Conservation Area

Pere Marquette State Park (Piase, Quogoga, Potawatomi Camp Areas)
(no hunting allowed on weekends)

Pyramid State Park (1)

Ramey Lake State Park (1)

Randolph County Conservation Area (1)

Red Hill State Park

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Sand Ridge State Forest

Sangamon Conservation Area (Squirrel Timber Unit) (1)

Sato

Siloam Springs State Park (1)

Site M

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Witkowsky State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 710.55 Special Hunts for Disabled Hunters

Statewide regulations shall apply; season dates shall be the 4th season. Permit applications may be obtained from the appropriate Illinois Department of Natural Resources regional office, and completed applications must be returned to that office by December 1. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing. Additional regulations will be publicly announced.

Mississippi Palisades State Park (closes after the second Sunday of the 4th season; hunters must sign in and out.)

(Source: Added at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

Heading of the Part: Water Withdrawal from State Areas

2) Code Citation: 17 Ill. Adm. Code 120

3) Section Numbers: Proposed Action:

120.10 New Section.

120.20 New Section.

120.30 New Section.

4) Statutory Authority: Implementing and authorized by the State Parks Act [20 ILCS 835/1 and 4(1)] and the State Parks Designation Act [20 ILCS 840/5].

5) A Complete Description of the Subjects and Issues Involved: This Part covers requests by the public and private sector to withdraw either ground or surface water from properties owned by the State of Illinois and administered by the Department of Natural Resources. The rule sets the conditions under which the requests will be reviewed and the information which must be provided to the Department by the requestor.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner, in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/732-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because the department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER A: LANDS

PART 120**WATER WITHDRAWAL FROM STATE AREAS**

Section 120.10 Purpose
 120.20 Water Withdrawal Criteria
 120.30 Restrictions and Special Considerations

Section 120.10 Purpose

- a) The water resources within or upon lands owned or managed by the Department of Natural Resources (Department) constitute a tremendous natural resource. It is the mission of the Department to manage the waters under its control for resource protection and outdoor recreation.
- b) Many department-owned lakes were constructed utilizing federal grant-in-lain dollars. When uses other than those authorized under federal grant requirements are contemplated for these funded lakes, the Department must ensure that such uses are compatible with federal grant requirements.
- c) Withdrawal of water (including ponds, lakes, streams, wetlands, canals and groundwater) from properties owned by or under the control of the Department shall not be done without written approval from the Department. Requests for withdrawal of water will be evaluated by criteria set forth in this Part.
- d) This Part does not apply to Lake Michigan or any other public bodies of water administered under the Rivers, Lakes and Streams Act [615 ILCS 5/1; Kankakee River below Carlyle Dam or water storage in Carlyle Lake and Lake Shelbyville administered under the Kaskaskia River Watershed and Basin Act [615 ILCS 7/5]; water storage in Rend Lake administered under the Red Lake Dam and Reservoir on the Big Muddy River Act [70 ILCS 21/1]; or water storage in Kinkaid Lake administered under the Big Kinkaid Creek Reservoir Act [615 ILCS 8/1].

Section 120.20 Water Withdrawal Criteria

- The following criteria will be used to evaluate requests for water withdrawal.
- a) Demonstration of Need
 The party requesting the use of water from a Department site must provide information which demonstrates that it has exhausted reasonable alternatives to satisfy its water needs.
 - b) Compatibility With Fish Management or Other Site Management Activities
 For example: If a lake has a history of use or the need to utilize fishery management chemicals (aqueous herbicides or fish toxicants) these facts must be taken into consideration during the Department's review of water withdrawal requests.
 - c) Compatibility With Migratory Bird Management Activities
 For example: If a wetland has a history of being denatured on a seasonal basis for the purpose of managing migratory birds, these factors must be taken into consideration during the Department's review of water withdrawal requests.
 - d) Overwintering and Summer Survival of Aquatic Life
 In any water withdrawal situation, sufficient water depth must remain to allow overwintering and summer survival of the water area's aquatic life. Kinkaid Lake must be maintained in case refilling prior to winter does not occur following withdrawal, and thermal refuges must be maintained throughout the summer.
 - e) Consideration of Federal Requirements
 In all cases where Federal funding was utilized in acquiring or developing a site/lake, the associated federal requirements must be considered in the review of water withdrawal requests and inherent obligations must be honored.
 - f) Physical Attributes of the Lake and Watershed
 The morphological configuration of the lake in question should be analyzed to determine the amount of water which may be withdrawn. Factors such as the lake's maximum depth, average depth, ratio of littoral zone to total lake acreage, watershed to lake ratio, inflow/outflow hydrograph of the impoundment for water recharging, spawning requirements and the location of boat ramps and dockage all must be considered.
 - g) Presence of Endangered or Threatened Species
 Water withdrawn from surface waters providing habitat for endangered or threatened species will require review by the Endangered Species Program Manager.
 - h) Proximity of a Withdrawal Request to or in a Designated Illinois Nature Preserve
 A request of this nature will require coordination with, and concurrence by, the Illinois Nature Preserve Commission. Proximity of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

and failure to meet these criteria will result in rejection:

- a) Demonstration of Need
 The party requesting the use of water from a Department site must provide information which demonstrates that it has exhausted reasonable alternatives to satisfy its water needs.
- b) Compatibility With Fish Management or Other Site Management Activities
 For example: If a lake has a history of use or the need to utilize fishery management chemicals (aqueous herbicides or fish toxicants) these facts must be taken into consideration during the Department's review of water withdrawal requests.
- c) Compatibility With Migratory Bird Management Activities
 For example: If a wetland has a history of being denatured on a seasonal basis for the purpose of managing migratory birds, these factors must be taken into consideration during the Department's review of water withdrawal requests.
- d) Overwintering and Summer Survival of Aquatic Life
 In any water withdrawal situation, sufficient water depth must remain to allow overwintering and summer survival of the water area's aquatic life. Kinkaid Lake must be maintained in case refilling prior to winter does not occur following withdrawal, and thermal refuges must be maintained throughout the summer.
- e) Consideration of Federal Requirements
 In all cases where Federal funding was utilized in acquiring or developing a site/lake, the associated federal requirements must be considered in the review of water withdrawal requests and inherent obligations must be honored.
- f) Physical Attributes of the Lake and Watershed
 The morphological configuration of the lake in question should be analyzed to determine the amount of water which may be withdrawn. Factors such as the lake's maximum depth, average depth, ratio of littoral zone to total lake acreage, watershed to lake ratio, inflow/outflow hydrograph of the impoundment for water recharging, spawning requirements and the location of boat ramps and dockage all must be considered.
- g) Presence of Endangered or Threatened Species
 Water withdrawn from surface waters providing habitat for endangered or threatened species will require review by the Endangered Species Program Manager.
- h) Proximity of a Withdrawal Request to or in a Designated Illinois Nature Preserve
 A request of this nature will require coordination with, and concurrence by, the Illinois Nature Preserve Commission. Proximity of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

a withdrawal request to or in a natural area will require review to ensure there will be no negative impact on the natural area.

1) Withdrawal Method Impact
The method of water removal will be considered as a significant factor in the consideration of requests to withdraw water. Under certain circumstances, the method of water withdrawal could be more damaging to the resource and to Department programs than the loss of water itself. Consequently, Department staff involved in the review process will consider the impact of the requested withdrawal as follows:

- 1) Mobile tank:
 - A) road conditions, weight limits and required permits (Department roads and local public roads);
 - B) water loading point conflicts with Department programs;
 - C) visitor, staff and permittee safety;
 - D) method of filling tank (noise, aesthetic and storage impact); and
 - E) need for Department supervision and impacts upon other activities.
- 2) Pipeline:
 - A) location must not impact roads, trails, other use areas or sensitive resources;
 - B) pipe intake must be constructed to avoid resource damage;
 - C) construction and removal activity must not impact other sites; and
 - D) permanent pipelines will require formal planning and licensing.
- 3) Spillway release from impoundment:
 - A) flow must be regulated and stopped as desired;
 - B) critical downstream activity must not be negatively impacted; and
 - C) adequate Department staff must be available to conduct operations.
- 4) Water Wells:
 - A) well location must not impact sensitive natural resources;
 - B) the drilling method employed should be chosen to avoid impacts on surrounding sensitive natural resources;
 - C) the construction, site clean-up, and removal activity must not impact surrounding sensitive natural resources; and
 - D) discharge of water from test pumping after well completion (such as for well development and yield determination) must be controlled to avoid impacts on surrounding sensitive natural resources.

Section 120.30 Restrictions and Special Considerations

- a) If upon completion of an environmental review a request is approved, all water withdrawn, except as described in Section 120.30(c), shall be by contract. The contract shall be prepared by Department staff

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

and signed by the Director or his designee.
b) Withdrawers shall be charged a base fee of \$35 per permit issued, plus 1 cents per 1,000 gallons of water withdrawn, except for emergency use as defined in subsection(c).
c) Site superintendents may allow emergency withdrawal without a contract for situations which constitute an immediate peril to life or property, such as fire control.
d) In no case should a water area be pumped dry without consultation with the resource division(s).
e) This Part shall have no effect on pre-existing contracts, nor shall such pre-existing contracts be deemed to affect this Part.
f) A requestor will be provided information on the types of chemicals and the amounts utilized on the water areas. The requestor will be required to sign a statement that he/she received this information.
g) If, after a request for water withdrawal is approved, a situation arises in which further water withdrawal could prove to be detrimental to the resource, withdrawal may be halted at the discretion of the site superintendent with written notification provided to the requestor.

- a) If upon completion of an environmental review a request is approved, all water withdrawn, except as described in Section 120.30(c), shall be by contract. The contract shall be prepared by Department staff

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Definitions and General Provisions

2) Code Citation: 35 Ill. Adm. Code 211

3) Section Numbers: Proposed Action:

211.1467	New
211.6420	New
211.7200	New

4) Statutory Authority: 41 ILCS 5/27

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes amendments to 35 Ill. Adm. Code 211 pursuant to Section 182(b)(2) and Section 183 of the Clean Air Act, as amended in 1990, 42 U.S.C. Section 7401 et seq., which require states to submit revisions to their state implementation plans to include provisions requiring the implementation of Reasonably Available Control Technology for each category of volatile organic material sources covered by a Control Techniques Guidelines document. Specifically, the additions to Section 211 are the following new definitions: continuous coater, conventional air spray, strippable spray booth coating, and washoff operations.

- 6) Will this proposed rule(s) replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule(s) (amendment, repeal) contain incorporations by reference? No

- 9) Are there any other proposed amendments contained on this Part? No

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Title, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Send written comments concerning R97-31 within 45 days of publication in the Illinois Register to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
312/814-6931

Audrey Lozuk-Lawless
Attorney
Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: The proposed definitions to 35 Ill. Adm. Code 211 pertain to wood furniture coating sources which emit more than 25 tons of volatile organic material annually. These rules are mandated by the Clean Air Act and, therefore, no small business will be affected to a degree greater than allowed by federal law.

- A) Types of small businesses affected: Those wood furniture coating operations that emit more than 25 tons of volatile organic material annually.
- B) Regulation, bookkeeping or other procedures required for compliance: None.
- C) Types of professional skills necessary for compliance: None.
- 13) Regulatory Agency on which this rulemaking was summarized: July 1997
The full text of the Proposed Amendments begins on the next page:

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

	NOTICE OF PROPOSED AMENDMENTS		
	POLUTION CONTROL BOARD		
211.1410 Condensate	211.2210 Extreme Performance Coating		
211.1430 Condensable PM-10	211.2230 Fabric Coating		
211.1465 Continuous Automatic Stroking	211.2250 Fabric Coating Line		
211.1467 Continuous Coater	211.2270 Federally Enforceable Limitations and Conditions		
211.1470 Continuous Process	211.2285 Feed Mill		
211.1490 Control Device	211.2300 Fermentation Time		
211.1510 Control Device Efficiency	211.2310 Final Repair Coat		
211.1520 Conventional Air Spray	211.2330 Firebox		
211.1530 Conveyorsized Soybean Crushing Source	211.2350 Fixed-Roof Tank		
211.1550 Conveyorsized Degreasing	211.2360 Flexible Coating		
211.1570 Crude Oil	211.2365 Flexible Operating Unit		
211.1590 Crude Oil Gathering	211.2370 Flexographic Printing Line		
211.1610 Crushing	211.2390 Flexographic Printing Line		
211.1630 Custody Transfer	211.2410 Floating Roof		
211.1650 Cutback Asphalt	211.2430 Fountain Solution		
211.1670 Daily-Weighted Average VOC Content	211.2450 Freeboard Height		
211.1690 Day	211.2470 Fuel Combustion Emission Unit or Fuel Combustion Emission Source		
211.1710 Degreaser	211.2490 Fugitive Particulate Matter		
211.1730 Delivery Vessel	211.2510 Full Operating Fluegate		
211.1750 Dip Coating	211.2530 Gas Service		
211.1770 Distillate Fuel Oil	211.2550 Gas/Gas Method		
211.1790 Distillation Unit	211.2570 Gasoline		
211.1810 Dry Cleaning Operation or Dry Cleaning Facility	211.2590 Gasoline Dispensing Operation or Gasoline Dispensing Facility		
211.1830 Dumper/Bin Area	211.2610 Gel Coat		
211.1850 Effective Grate Area	211.2630 Gloss Reducers		
211.1870 Effluent Water Separator	211.2650 Grain-Drying Operation		
211.1875 Elastometric Interference/Radio Frequency (EMI/RFI) Shielding	211.2670 Grain-Handling and Conditioning Operation		
211.1880 Electromagnetic Interference/Radio Frequency (EMI/RFI)	211.2690 Heated Airless Spray		
211.1890 Electrostatic Bell or Disc Spray	211.2710 Heated Web Offset Lithographic Printing Line		
211.1900 Electrostatic Prep Coat	211.2730 Green-Tile Spraying		
211.1910 Enhanced Under-the-Cup Fill	211.2750 Green Tiles		
211.1920 Emergency or Standby Unit	211.2770 Gross Heating Value		
211.1930 Emission Rate	211.2790 Gross Vehicle Weight Rating		
211.1950 Emission Unit	211.2810 Heated Airless Spray		
211.1970 Enamel	211.2830 Heated Web		
211.1990 Enclose	211.2850 Offset Lithographic Printing Line		
211.2010 End Sealing Compound Coat	211.2870 Heavy Liquid		
211.2010 Enhanced Under-the-Cup Fill	211.2890 Heavy Metals		
211.2050 Ethanol Blend Gasoline	211.2910 Heavy Off-Highway Vehicle Products Coating		
211.2070 Excessive Air Release	211.2930 Heavy Off-Highway Vehicle Products Coating Line		
211.2090 Existing Grain-drying Operation (Repealed)	211.2970 High Temperature Aluminum Coating		
211.2130 Existing Grain-handling Operation (Repealed)	211.2990 High Volume Low Pressure (HVLP) Spray		
211.2150 Exterior Base Coat	211.3010 Hood		
211.2170 Exterior End Coat	211.3030 Hot Well		
211.2190 External, Floating Roof	211.3050 Housekeeping Practices		
	211.3070 Incinerator		

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Proposed Action	Description	Amendment Number
Indirect Heat Transfer		
211.3090 Ink	211.3930 Monitor	
211.3110 In-Process Tank	211.3950 Monomer	
211.3150 In-Situ Sampling Systems	211.3965 Motor Vehicle Refinishing	
211.3150 Interior Body Spray Coat	211.3965 Multiple Package Coating	
211.3170 Internal-Floating Roof	211.3970 New Grain-Drying Operation (Repealed)	
211.3210 Internal Transferring Area	211.3980 New Grain-Handling Operation (Repealed)	
211.3230 Lacquers	211.4010 No Detectable Volatile Organic Material Emissions	
211.3250 Large Appliance	211.4030 Non-Contact Process Water Cooling Tower	
211.3270 Large Appliance Coating Line	211.4050 Non-Flexible Coating	
211.3290 Light Liquid	211.4055 Offset	
211.3310 Light Liquid Truck	211.4070 One-Hundred Percent Acid	
211.3320 Light Oil	211.4090 One-Turn Storage Space	
211.3350 Light Oil/Gas Method	211.4110 Opacity	
211.3390 Liquid/Gas Seal	211.4130 Opaque Stains	
211.3410 Liquid Service	211.4150 Open Top Vapor Degassing	
211.3430 Liquids Dripping	211.4170 Open-ended Valve	
211.3450 Lithographic Printing Line	211.4190 Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility	
211.3470 Load-Out Area	211.4210 Organic Compound	
211.3480 Loading Event	211.4230 Organic Material and Organic Materials	
211.3490 Low Solvent Coating	211.4250 Organic Solvent	
211.3500 Lubricating Oil	211.4270 Organic Vapor	
211.3510 Magnet Wire	211.4290 Oven	
211.3530 Magnet Wire Coating Line	211.4310 Overall Control	
211.3550 Major Dump Pit	211.4330 Overvarnish	
211.3570 Major Metropolitan Area (MMA)	211.4350 Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility	
211.3590 Major Metropolitan Area (MPA)	211.4370 Owner or Operator	
211.3610 Manually Operated Equipment	211.4390 Packaging Rotogravure Printing Line	
211.3620 Manufacturing Process	211.4410 Paint Manufacturing Source or Paint Manufacturing Plant	
211.3650 Marine Terminal	211.4430 Paper Coating Line	
211.3660 Marine Vessel	211.4450 Paper Coating Line	
211.3670 Material Recovery Section	211.4470 Paper Coating Line	
211.3690 Maximum Theoretical Emissions	211.4490 Particulate Matter	
211.3695 Maximum True Vapor Pressure	211.4510 Parts Per Million (Volume) or PPM (Wt)	
211.3710 Metal Furniture	211.4530 Person	
211.3730 Metal Furniture Coating Line	211.4550 Petroleum	
211.3750 Metallic Shoe-Type Seal	211.4590 Petroleum Liquid	
211.3770 Miscellaneous Fabricated Product Manufacturing Process	211.4610 Petroleum Refinery	
211.3790 Miscellaneous Formulation Manufacturing Process	211.4630 Pharmaceutical	
211.3810 Miscellaneous Metal Parts and Products	211.4650 Pharmaceutical Coating Operation	
211.3830 Miscellaneous Metal Parts and Products	211.4670 Photochemically Reactive Material	
211.3850 Miscellaneous Metal Parts or Products Coating Line	211.4690 Pigmented Coatings	
211.3870 Miscellaneous Organic Chemical Manufacturing Process	211.4710 Plant	
211.3890 Mixing Operation	211.4730 Plastic Part	
211.3910 Mobile Equipment	211.4740	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.4750	Plasticizers	211.5550	Repair Coat
211.4770	Rubber	211.5570	Repaired
211.4790	Pneumatic Rubber Tire Manufacture	211.5590	Residual Fuel Oil
211.4810	polybasic Organic Acid Partial Oxidation Manufacturing Process	211.5600	Resist Coat
211.4830	polyester Resin Materials)	211.5610	Restricted Area
211.4850	Polyester Resin Products Manufacturing Process	211.5620	Retail Outlet
211.4870	Polyethylene Plant	211.5650	Ringelmann Chart
211.4890	Polyethylene Resin	211.5670	Roadway
211.4910	Portable Grain-handling Equipment	211.5690	Roll Coater
211.4930	Portland Cement Manufacturing Process Emission Source	211.5710	Roll Coating
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant	211.5730	Roll Painter
211.4970	Potential to Emit	211.5750	Roll Printing
211.4990	Power Driven Fastener Coating	211.5770	Rotogravure Printing
211.5010	precoat	211.5790	Rotogravure Printing Line
211.5030	pressure Release	211.5810	Safety Relief Valve
211.5050	Pressure/Vacuum Tank	211.5830	Sandblasting
211.5060	Pressure/Vacuum Relief Valve	211.5850	Sanding Sealers
211.5061	pretreatment Wash Primer	211.5870	Screening
211.5065	Primary Product	211.5890	Sealer
211.5070	Prime Coat	211.5910	Semi-Transparent Stains
211.5080	Primer Sealer	211.5930	Sensor
211.5090	Primer Surface Coat	211.5950	Set of Safety Relief Valves
211.5110	Primer Surface Operation	211.5970	Sheet Basecoat
211.5130	primers	211.5980	Sheet-Pad
211.5150	printing	211.5990	Shotblasting
211.5170	printing line	211.6010	Side-Seam Spray Coat
211.5185	Process Emission Source	211.6025	Single Unit Operation
211.5190	Process Emission Unit	211.6030	Smoke
211.5210	Process Unit	211.6050	Smokeless Flare
211.5230	Process Unit Shutdown	211.6060	Soft Coat
211.5245	Process Vent	211.6070	Solvent
211.5250	Process Weight Rate	211.6090	Solvent Cleaning System
211.5270	Production Equipment Exhaust System	211.6110	Solvent Recovery System
211.5110	Publication Rotogravure Printing Line	211.6130	Source
211.5130	Burged Process Fluid	211.6150	Specialty Coatings
211.5140	Rated Heat Input Capacity	211.6150	Specialty Coatings for Motor Vehicles
211.5150	Reactor	211.6150	Specialty High Gloss Catalyzed Coating
211.5170	Reasonably Available Control Technology (RACT)	211.6170	Specialty Leather
211.5190	Reclamation System	211.6190	Specialty Soybean Crushing Source
211.5110	Refiner	211.6210	Splash Loading
211.5130	Refinery Fuel Gas Systems	211.6230	Stack
211.5150	Refinery Unit or Refinery Process Unit	211.6250	Strain Coating
211.5170	Reflective Agent Coating	211.6270	Standard Conditions
211.5180	Regulated Condenser	211.6290	Standard Cubic Foot (scf)
211.5190	Regulated Air Pollutant	211.6310	Start-Up
211.5210	Reid Vapor Pressure	211.6330	Stationary Emission Source
211.5230	Repair	211.6350	Stationary Gas Turbine

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.5550	Repair Coat	211.5550	Repair Coat
211.5570	Repainted	211.5570	Repainted
211.5590	Residual Fuel Oil	211.5590	Residual Fuel Oil
211.5600	Resist Coat	211.5600	Resist Coat
211.5610	Restricted Area	211.5610	Restricted Area
211.5620	Retail Outlet	211.5620	Retail Outlet
211.5650	Ringelmann Chart	211.5650	Ringelmann Chart
211.5670	Roadway	211.5670	Roadway
211.5690	Roll Coater	211.5690	Roll Coating
211.5710	Roll Coating	211.5710	Roll Painter
211.5730	Roll Painter	211.5730	Roll Printing
211.5750	Roll Printing	211.5750	Rotogravure Printing
211.5770	Rotogravure Printing	211.5770	Rotogravure Printing Line
211.5790	Rotogravure Printing Line	211.5790	Safety Relief Valve
211.5810	Safety Relief Valve	211.5810	Sandblasting
211.5830	Sandblasting	211.5830	Sanding Sealers
211.5850	Sanding Sealers	211.5850	Screening
211.5870	Screening	211.5870	Sealer
211.5890	Sealer	211.5890	Semi-Transparent Stains
211.5910	Semi-Transparent Stains	211.5910	Sensor
211.5930	Sensor	211.5930	Set of Safety Relief Valves
211.5950	Set of Safety Relief Valves	211.5950	Sheet Basecoat
211.5970	Sheet Basecoat	211.5970	Sheet-Pad
211.5980	Sheet-Pad	211.5980	Shotblasting
211.5990	Shotblasting	211.5990	Side-Seam Spray Coat
211.6010	Side-Seam Spray Coat	211.6010	Single Unit Operation
211.6025	Single Unit Operation	211.6025	Smoke
211.6030	Smoke	211.6030	Smokeless Flare
211.6050	Smokeless Flare	211.6050	Soft Coat
211.6070	Soft Coat	211.6070	Solvent
211.6090	Solvent	211.6090	Solvent Cleaning System
211.6110	Solvent Recovery System	211.6110	Solvent Recovery System
211.6130	Source	211.6130	Source
211.6150	Specialty Coatings	211.6150	Specialty Coatings
211.6150	Specialty Coatings for Motor Vehicles	211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather	211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source	211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading	211.6210	Splash Loading
211.6230	Stack	211.6230	Stack
211.6250	Strain Coating	211.6250	Strain Coating
211.6270	Standard Conditions	211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)	211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up	211.6310	Start-Up
211.6330	Stationary Emission Source	211.6330	Stationary Emission Source
211.6350	Stationary Gas Turbine	211.6350	Stationary Gas Turbine

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.6360	Stationary Reciprocating Internal Combustion Engine	211.7130	Volatile Organic Material Content (VOMC) or Volatile Organic Compound (VOC)
211.6370	Stationary Source	211.7150	Volatile Petroleum Liquid
211.6380	Stationary Storage Tank	211.7170	Volatile Petroleum Liquid
211.6400	Stencil Coat	211.7190	Wash Coat
211.6410	Storage Tank or Storage Vessel	211.7200	Washoff Operations
211.6420	Stringable Spray Booth Coating	211.7210	Wastewater (Oil/Water) Separator
211.6430	Styrene Deodorizer Unit	211.7230	Weak Nitric Acid Manufacturing Process
211.6450	Styrene Recovery Unit	211.7250	Web
211.6470	Submersed Loading Pipe	211.7270	Wholesale Purchase - Consumer
211.6480	Sulfuric Acid Mist	211.7290	Wood Furniture
211.6510	Surface Condenser	211.7310	Wood Furniture Coating
211.6520	Surface Preparation Materials	211.7330	Wood Furniture Coating Line
211.6540	Synthetic Organic Chemical or Polymer Manufacturing Plant	211.7400	Woodworking
211.6570	Tablet Coating Operation		Yeast Percentage
211.6580	Texture Coat		Rule into Section Table
211.6590	Thirty-Day Rolling Average		Section into Rule Table
211.6610	Three-or Four-Piece Can		
211.6620	Three or Four Stage Coating System		AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].
211.6630	Through-the-Valve Filling		
211.6650	Tooling Resin		
211.6670	Topcoat		
211.6680	Topcoat Operation		SOURCE: Adopted as Chapter 2: Air Pollution, Rule 2015. Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R71-2 and R75-5, R78-3, at 3 Ill., Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill., Reg. 30 p. 124, effective January 21, 1979; amended in R80-5, at 7 Ill., Reg. 124, effective January 21, 1983; codified at 7 Ill., Reg. 13590; amended in R82-1 (Docket A) at 10 Ill., Reg. 1262, effective July 29, 1986; amended in R85-21(A) at 11 Ill., Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill., Reg. 12676, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill., Reg. 78/7, effective December 14, 1987; amended in R86-18 at 12 Ill., Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill., Reg. 7621, effective June 1, 1988; amended in R86-34 at 13 Ill., Reg. 10862, effective June 20, 1989; amended in R89-8 at 13 Ill., Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill., Reg. 2141, effective May 21, 1990; amended in R89-20(B) at 15 Ill., Reg. 3223, effective March 28, 1991; amended in R89-14 at 15 Ill., Reg. 90/1, effective May 14, 1991; amended in R91-10 at 15 Ill., Reg. 1564, effective October 14, 1991; amended in R91-22 at 16 Ill., Reg. 7636, effective May 1, 1992; amended in R91-24 at 16 Ill., Reg. 1326, effective August 24, 1992; amended in R93-9 at 17 Ill., Reg. 15054, effective September 27, 1993; amended in R93-11 at 17 Ill., Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill., Reg. 1523, effective January 18, 1994; amended in R94-12 at 18 Ill., Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill., Reg. 15744, effective October 25, 1994; amended in R94-15 at 18 Ill., Reg. 16379, effective November 15, 1994; amended in R94-16 at 18 Ill., Reg. 16299, effective November 15, 1994; amended in R94-21,
211.6690	Under-the-Cup Fill		
211.6820	Undertread Cementing		
211.6850	Uniform Finish Blender		
211.6870	Unregulated Safety Relief Valve		
211.6880	Vacuum Metalizing		
211.6890	Vacuum Producing System		
211.6910	Vacuum Service		
211.6930	Vacuum Not Externally Regulated		
211.6950	Vapor Balance System		
211.6970	Vapor Collection System		
211.6990	Vapor Control System		
211.7010	Vapor-Mounted Primary Seal		
211.7030	Vapor Recovery System		
211.7050	Vapor Suppressed Polyester Resin		
211.7070	Vinyl Coating Line		
211.7110	Volatile Organic Liquid (VOL)		

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 17, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6189, effective June 16, 1997; amended in R97-24 at 21 Ill. Reg. 7693, effective June 9, 1997; amended in R98-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 21 Ill. Reg. _____, effective _____.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1998.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART B: DEFINITIONS

Section 211.1467 Continuous Coater

"Continuous coater" means a finishing system that continuously applies coating onto wood furniture parts moving along a conveyor system. Coatings that are not transferred to the part are recycled in the finishing system reservoir.

(Source: Added at 21 Ill. Reg. _____, effective _____.)

Section 211.1520 Conventional Air Spray

"Conventional air spray" means a spray coating method in which the coating is atomized it with compressed air at an air pressure greater than .10 pounds per square inch (psi) at the point of atomization. Airless, air assisted airless and electrostatic spray technologies are not conventional air spray.

(Source: Added at 21 Ill. Reg. _____, effective _____.)

Section 211.6420 Stripable Spray Booth Coating

"Stripable spray booth coating" means a coating that is applied to a spray booth wall to provide a protective film to receive overspray during finishing operations and that is subsequently peeled off and disposed of.

(Source: Added at 21 Ill. Reg. _____, effective _____.)

Section 211.7200 Washoff Operations

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Washoff operations" means those operations in which organic solvent is used to remove coating from a substrate.

(Source: Added at 21 Ill. Reg. _____, effective _____.)

(Source: Added at 21 Ill. Reg. _____, effective _____.)

(Source: Added at 21 Ill. Reg. _____, effective _____.)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Effluent Standards
2) Code Citation: 35 Ill. Adm. Code 304

- 3) Section Numbers: 304.214
Proposed Action: Amend

- 4) Statutory Authority: 415 ILCS 5/27

- 5) A Complete Description of the Subject and Issues Involved: This site-specific rulemaking addresses relief from 35 Ill. Adm. Code 304.122 through amendments to 35 Ill. Adm. Code 304.214. The amendments are applicable to Mobil Oil Corporation's refinery, located near Joliet, Illinois. Specifically, this proposal provides site-specific ammonia nitrogen effluent standards for Mobil's discharge into the Des Plaines River.

- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place, and Manner, in which interested persons may comment on this proposed rulemaking: Send written comments concerning R37-28 within 45 days after publication in the Illinois Register to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
312/814-6931
or
Audrey Luszuk-Lawless

Attorney
Pollution Control Board
100 West Randolph Street
Suite 11-500

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Chicago, IL 60601
312/814-6723

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: None
B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997
The full text of the proposed amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 31, 1990; amended in R97-21(b) at 14 Ill. Reg. 1258, effective July 18, 1990; amended in R98-4 at 14 Ill. Reg. 20719, effective December 11, 1990; abended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R97-8 at 18 Ill. Reg. 267, effective December 23, 1993; abended in R87-33 at 18 Ill. Reg. 11574, effective July 1, 1994; amended in R95-14 at 20 Ill. Reg. 3228, effective February 8, 1996; abended in R94-1(B) at 21 Ill. Reg. 364, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. 6639, effective December 23, 1996; abended in R97-28 at 21 Ill. Reg. _____, effective _____.

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section 304.214 Mobil Oil Refinery Ammonia Discharge

- a) This Section applies to discharges from Mobil Oil Corporation's Refinery located near Joliet, into the Des Plaines River.
 b) The requirements of Section 304.12(2)b do not apply to Mobil's discharge. Instead Mobil's discharge may not exceed the following limitations:

CONSTITUENT	CONCENTRATION (mg/l)
Ammonia Nitrogen	Monthly Average Daily Maximum Composite 9.0 28 23.0 95

- c) Section 304.104(a) does not apply to this Section. Monthly average and daily composites are as defined in Section 304.104(b).
 d) Mobil shall monitor the nitrogen concentration of its oil feedstocks and report on an annual basis such concentrations to the Agency. The report shall be filed with the Agency by January 31 of each year.
 e) The provisions of this Section shall terminate on December 31, 2007.
- (Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Heading of the Part: Organic Material Emission Standards and Limitations
for the Chicago Area

Code Citation: 35 Ill. Adm. Code 218

Proposed Action:

Section Numbers:	Proposed Action:
218.204	Amend
218.205	Amend
218.210	Amend
218.211	Amend
218.215	New
218.216	New
218.217	New

Statutory Authority: 415 ILCS 5/27

- 4) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes amendments to Subpart F of 35 Ill. Adm. Code 218 pursuant to Section 112(b)(2), and Section 183 of the Clean Air Act, as amended in 1990, 42 U.S.C. section 7401, et seq., which require states to submit revisions to their State Implementation Plans (SIPs). The SIP must be revised to include provisions requiring the implementation of Reasonably Available Control Technology for each category of volatile organic material sources covered by a Control Techniques Guidelines document.
- 5) Will this proposed rule(s) replace an emergency rule currently in effect? No
- 6) Will this proposed rule(s) contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule(s) (amendment, remalete) contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enrage a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 5/3(b)].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R97-31 within 45 days after publication in the Illinois Register to:

Audrey Loutk-Lawless
Dorothy Gunn
Clerk
Pollution Control Board
100 West Randolph Street
or
100 West Randolph Street

Audrey Loutk-Lawless
Attorney
Pollution Control Board
100 West Randolph Street

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Suite 11-500
Chicago, IL 60601
312/814-9911

12) Initial Regulatory Flexibility Analysis: The proposed definitions to 35 Ill. Adm. Code 218 pertain to wood furniture coating sources which emit more than 25 tons of volatile organic material annually. These rules are mandated by the Clean Air Act and, therefore, no small business will be affected to a degree greater than allowed by federal law.

- A) Types of small businesses affected: Those wood furniture coating operations that emit more than 25 tons of volatile organic material annually.
- B) Recordkeeping or other procedures required for compliance: Recordkeeping to the extent necessary to demonstrate that a source is either not subject to the requirements of the proposed amendments or to demonstrate that the source is meeting the requirements of the proposal.
- C) Types of professional skills necessary for compliance: Technical, perhaps engineering and clerical.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997
The full text of the proposed amendment begins on the next page.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION

CHAPTER II: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 218

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

Section	
218.100	Introduction
218.101	Savings Clause
218.102	Abbreviations and Conversion Factors
218.103	Applicability
218.104	Definitions
218.105	Test Methods and Procedures
218.106	Compliance Dates
218.107	Operation of Afterburners
218.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109	Vapor Pressure of Volatile Organic Liquids
218.110	Vapor Pressure of Organic Material or Solvent
218.111	Incorporations by Reference
218.112	Monitoring for Negligible/Reactive Compounds
218.113	Monitoring with Permit Conditions
218.114	Compliance with Permit Conditions

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
218.119	Applicability for VOL
218.120	Control Requirements for Storage Containers of VOL
218.121	Storage Containers of VPL
218.122	Loading Operations
218.123	Petroleum Liquid Storage Tanks
218.124	External Floating Roofs
218.125	Compliance Dates
218.126	Compliance Plan (Repealed)
218.127	Testing VOL Operations
218.128	Monitoring VOL Operations
218.129	Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
218.141	Separation Operations

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

218.142	Pumps and Compressors	Section	218.204	Emission Limitations	218.405	Lithographic Printing: Applicability
218.143	Vapor Blowdown	218.205	Daily-Weighted Average Limitations	218.406	Provisions Applying to Heated Web Offset Lithographic Printing Prior to March 15, 1996	
218.144	Safety Relief Valves	218.206	Solids Basis Calculation	218.407	Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996	
		218.207	Alternative Emission Limitations	218.408	Compliance Schedule for Lithographic Printing on and After March 15, 1996	
		218.208	Exemptions from General Rule on Use of Organic Material	218.409	Testing for Lithographic Printing On and After March 15, 1996	
		218.209	Exemption from General Rule on Use of Organic Material	218.410	Monitoring Requirements for Lithographic Printing	
		218.210	Compliance Schedule	218.411	Recordkeeping and Reporting for Lithographic Printing	
		218.211	Record-Keeping and Reporting to Establish Compliance for Coating Lines			
		218.212	Cross-Line Averaging to Establish Compliance for Coating Lines			
		218.213	Record-Keeping and Reporting for Cross-Line Averaging Participating Coating Lines			
		218.214	Changing Compliance Methods			
		218.215	Wood Furniture Coating: Keyring Approach			
		218.216	Wood Furniture Coating Add-On Control Use			
		218.217	Wood Furniture Coating Work Practice Standards			

SUBPART F: COATING OPERATIONS

Section	218.204	Emission Limitations	218.421	General Requirements	Section	218.421	Petroleum Refinery Waste Gas Disposal
	218.205	Daily-Weighted Average Limitations	218.422	Inspection Program Plan for Leaks		218.442	Vacuum Producing Systems
	218.206	Solids Basis Calculation	218.423	Inspection Program for Leaks		218.443	Wastewater (Oil/Water) Separator
	218.207	Alternative Emission Limitations	218.424	Repairing Leaks		218.444	Process Unit Turnarounds
	218.208	Exemptions from General Rule on Use of Organic Material	218.425	Recordkeeping for Leaks		218.445	Leaks: General Requirements
	218.209	Exemption from General Rule on Use of Organic Material	218.426	Report for Leaks		218.446	Monitoring Program for Leaks
	218.210	Compliance Schedule	218.427	Alternative Program for Leaks		218.447	Recordkeeping for Leaks
	218.211	Record-Keeping and Reporting to Establish Compliance for Coating Lines	218.428	Open-Ended Valves		218.448	Reporting for Leaks
	218.212	Cross-Line Averaging to Establish Compliance for Coating Lines	218.429	Standards for Control Devices		218.449	
	218.213	Record-Keeping and Reporting for Cross-Line Averaging Participating Coating Lines	218.430	Compliance Date (Repealed)			
	218.214	Changing Compliance Methods	218.431	Applicability			
	218.215	Wood Furniture Coating: Keyring Approach	218.432	Control Requirements			
	218.216	Wood Furniture Coating Add-On Control Use	218.433	Performance and Testing Requirements			
	218.217	Wood Furniture Coating Work Practice Standards	218.434	Monitoring Requirements			

SUBPART G: USE OF ORGANIC MATERIAL

Section	218.301	Use of Organic Material	218.441	Petroleum Refinery Waste Gas Disposal	Section	218.441	Petroleum Refinery Waste Gas Disposal
	218.302	Alternative Standard	218.442	Vacuum Producing Systems		218.442	Vacuum Producing Systems
	218.303	Fuel Combustion Units	218.443	Wastewater (Oil/Water) Separator		218.443	Wastewater (Oil/Water) Separator
	218.304	Operations with Compliance Program	218.444	Process Unit Turnarounds		218.444	Process Unit Turnarounds
			218.445	Leaks: General Requirements		218.445	Leaks: General Requirements
			218.446	Monitoring Program for Leaks		218.446	Monitoring Program for Leaks
			218.447	Recordkeeping for Leaks		218.447	Recordkeeping for Leaks
			218.448	Reporting for Leaks		218.448	Reporting for Leaks
			218.449				
			218.450				
			218.451				
			218.452				
			218.453				

SUBPART H: PRINTING AND PUBLISHING

Section	218.401	Flexographic and Rotogravure Printing	218.450	Alternative Program for Leaks	Section	218.450	Alternative Program for Leaks
	218.402	Applicability	218.451	Sealing Device Requirements		218.451	Sealing Device Requirements
	218.403	Compliance Schedule	218.452	Compliance Schedule for Leaks		218.452	Compliance Schedule for Leaks
	218.404	Recordkeeping and Reporting	218.453	Compliance Dates (Repealed)		218.453	Compliance Dates (Repealed)

DATA MONITOR CONTROL BOARD

SUBPART S: RUBBER AND PLASTIC MATERIALS PROCESSING

Section 211B.161 Manufacture of Pneumatic Rubber Tires
211B.162 Green Tire Spraying Operations
211B.163 Alternative Emission Reduction Systems
211B.164 Emission Testing
211B.165 Compliance Dates (Repealed)

Section	Subpart V: BULK OPERATIONS AND AIR POLLUTION PROCESSES
2118.500	Applicability for Batch Operations
2118.502	Control Requirements for Batch Operations
2118.504	Determination of Uncontrolled Total Annual Mass Emissions
2118.506	Flow Rate Values for Batch Operations
2118.508	Performance and Testing Requirements for Batch Operations
2118.510	Monitoring Requirements for Batch Operations
2118.512	Reporting and Recordkeeping for Batch Operations
2118.514	Compliance Date
2118.516	Emission Limitations for Air Oxidation Processes
2118.520	Definitions (Repealed)
2118.521	

21B.124	Determination of Applicability
21B.125	Emission Limitations for Air Oxidation Processes
21B.126	Testing and Monitoring
21B.527	Compliance Date (Repealed)

BOTTLENECK CONTROL BOARD

SECTION 218-541 Pesticide Exception
SUBPART X : CONSTRUCTION
Section 218-561 Architectural Coatings
218-562 Paving Operations

Section	Bulk Gasoline Plants
	Bulk Gasoline Terminals
	Bulk Gasoline Dispensing Operations - Storage Tank Filling Operations
	Gasoline Delivery Vessels
	Gasoline Volatility Standards
	Gasoline Dispensing Operations - Motor Vehicle Fueling Operations

סימני דיווח מומחה

Section	Perchloroethylene DRY Cleaners
1218.601	Applicability
1218.602	Leaks
1218.603	Compliance Plan (Repealed)
1218.604	Exception to Compliance Plan (Repealed)
1218.605	Standards for Petroleum Solvent Dry Cleaning
1218.606	Operating Practices for Petroleum Solvent Dry Cleaning
1218.607	Program for Inspection and Repair of Leaks
1218.608	Testing and Monitoring
1218.609	Applicability for Petroleum Solvent Dry Cleaning
1218.611	Compliance Dates (Repealed)

הנִזְקָנָה בְּצִדְקוֹתָן (וְעַל-מִזְרָחָה)

Section 21B.620	Applicability 21B.620 Exemption for Waterbase Material and Heatset Offset Ink 21B.631 Permit Conditions (Repealed)
21B.634	Open-Top Mills, Tanks, Vats or Vessels
21B.655	Grinding Mills
21B.656	Storage Tanks
21B.658	Leaks
21B.660	Clean Up

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

21B.636 Compliance Schedule

21B.637 Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section

21B.640 Applicability

21B.641 Emissions Limitation at Polystyrene Plants

21B.642 Recordkeeping and Reporting

21B.644 Emissions Testing

SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

Section

21B.660 Applicability

21B.666 Control Requirements

21B.667 Compliance Schedule

21B.668 Testing

21B.668 Recordkeeping and Reporting for Exempt Emission Units

21B.670 Recordkeeping and Reporting for Subject Emission Units

21B.672 Recordkeeping and Reporting for Subject Emission Units

SUBPART DD: AEROSOL CAN FILLING

Section

21B.680 Applicability

21B.686 Control Requirements

21B.692 Testing

21B.690 Recordkeeping and Reporting for Exempt Emission Units

21B.692 Recordkeeping and Reporting for Subject Emission Units

SUBPART FF: BAKERY OVENS (Repealed)

Section

21B.720 Applicability (Repealed)

21B.722 Control Requirements (Repealed)

21B.724 Testing (Repealed)

21B.726 Monitoring (Repealed)

21B.728 Recordkeeping and Reporting (Repealed)

21B.729 Compliance Date (Repealed)

21B.730 Certification (Repealed)

SUBPART GG: MARINE TERMINALS

Section

21B.760 Applicability

21B.762 Control Requirements

21B.764 Compliance Certification

21B.766 Leaks

21B.768 Testing and Monitoring

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART HH: MOTOR VEHICLE REFINISHING

SUBPART BB: Recordkeeping and Reporting

SUBPART CC: Motor Vehicle Refinishing

Section

21B.770 Recordkeeping and Reporting

21B.772 Emission Limitations

21B.774 Alternative Control Requirements

21B.776 Equipment Specifications

21B.778 Surface Preparation Materials

21B.780 Work Practices

21B.782 Testing

21B.784 Monitoring and Recordkeeping for Control Devices

21B.786 General Recordkeeping and Reporting

21B.790 Compliance Date

21B.792 Registration

21B.794 Applicability of Subpart BB (Renumbered)

21B.796 Emission Limitation at Polystyrene Plants (Renumbered)

21B.798 Compliance Date (Repealed)

21B.800 Compliance Plan (Repealed)

21B.802 Special Requirements for Compliance Plan (Repealed)

21B.804 Emissions Testing (Renumbered)

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section

21B.920 Applicability

21B.922 Permit Conditions (Repealed)

21B.924 Control Requirements

21B.926 Compliance Schedule

21B.928 Testing

SUBPART QQ: MISCELLANEOUS FORMULATING MANUFACTURING PROCESSES

Section

21B.940 Applicability

21B.942 Permit Conditions (Repealed)

21B.944 Control Requirements

21B.946 Compliance Schedule

21B.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section

21B.960 Applicability

21B.962 Permit Conditions (Repealed)

21B.964 Control Requirements

21B.966 Compliance Schedule

21B.968 Testing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART TT: OTHER EMISSION UNITS

Section

218.980 Application

Permit Conditions (Repealed)

Control Requirements-

Compliance Schedule

Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section Adopted in R91-24 at 16 IIL Reg. 12231, effective August 16, 1991;

SOURCES: Amended in R91-24 at 16 IIL Reg. 13564, effective August 24, 1992; amended in

R91-28 and R91-30 at 16 IIL Reg. 13864, effective August 24, 1992; amended in

R93-9 at 17 IIL Reg. 16536, effective September 27, 1993; amended in R93-14 at

18 IIL Reg. 1493, effective January 24, 1994; amended in R94-12 at 19 IIL

Reg. 1493; effective September 21, 1994; amended in R94-15 at 18 IIL Reg.

1632, effective October 25, 1994; amended in R94-16 at 18 IIL Reg. 16950,

effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 IIL

Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 IIL Reg. 7359,

effective May 22, 1995; amended in R95-13 at 20 IIL Reg. 14425, effective

October 17, 1996; amended in R97-24 at 21 IIL Reg. 7708, effective June 9,

1997; amended in R97-31 at 21 IIL Reg. _____, effective

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as

of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

SUBPART F: COATING OPERATIONS

Section 218.204 Emission Limitations

Except as provided in Sections 218.205, 218.207, 218.208, and 218.212, 218.215 and 211.26 of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOC content exceeds the following emission limitations for the specified coating. Except as provided in Section 218.204(1), Compliance Responsibility with the emission limitations marked with an asterisk in this Section is required on and after March 15, 1996, and Compliance—Compliance with emission limitations not marked with an asterisk is required until March 15, 1996. The following emission limitations are expressed in units of VOC per volume of coating (minus water) and any compounds which are specifically exempted from the definition of VOC) as applied at each coating applicator, except where noted. Compounds which are specifically exempted from the definition of VOC should be treated as water for the purpose of calculating the "less water" parts of the coating composition. Compliance with this Subpart must be demonstrated through the applicable coating analysis test methods and procedures specified in Section 218.110(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(c) of this Subpart, except where noted. (Note: The equation presented in Section 218.206 of this Part shall be used to calculate emission limitations for determining compliance by add-on controls, credits for transfer efficiency, emission trades and cross-line averaging.) The emission limitations are as follows:

	a) Automobile or Light-Duty	kg/l	lb/gal
1) Truck Coating	0.14	(1.2)	
2) Primer coat	0.14*	(1.2)*	
2) Primer surface coat	1.01	(15.1)*	
	1.01*	(15.1)*	

(Note: The primer surface coat limitation is in units of kg from the topcoat protocol referenced in Section 218.210(b) and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal prepared by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 does not apply to the primer surface limitation.)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

	kg./l.	lb./gal.
3) Topcoat	1.81 (15.1) 1.81* (15.1)*	

(Note: The topcoat limitation is in units of kg (lbs) of VOC per 1 (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b) of this Part, and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 of this Part does not apply to the topcoat limitation.)

	kg./l.	lb./gal.
4) Final repair coat	0.58 (4.8) 0.58* (4.8)*	

	kg./l.	lb./gal.
b) Can Coating		
1) Sheet basecoat and overvarnish		
A) Sheet basecoat	0.34 (2.8)	
B) Overtvarnish	0.26* (2.2)*	
2) Exterior basecoat and overvarnish		
A) Interior body spray coat	0.34 (2.8)	
B) Two piece	0.44* (3.7)*	
C) Three piece	0.51* (4.2)*	
4) Exterior end coat		
5) Side seam spray coat		
6) End sealing compound coat		

	kg./l.	lb./gal.
c) Paper Coating	0.35 (2.9)	
	0.28* (2.3)*	

(Note: The paper coating line complies with the emissions limitations in Subpart H, Printing and Publishing, Sections 218.401 of this Part.)

performed if the paper coating line complies with the emissions limitations in Subpart H, Printing and Publishing, Sections 218.401 of this Part.)

kg./l. lb./gal.

Coil Coating 0.31
(2.6)

Fabric Coating 0.35
(2.9)

Vinyl Coating 0.28*
(2.3)*

Metal Furniture Coating 0.45
(3.8)

1) Air dried 0.28*
(2.3)*

2) Baked 0.34*
(2.8)*

Large Appliance Coating 0.36
(3.0)

1) Air dried 0.28*
(2.3)*

2) Baked 0.34*
(2.8)*

1) Magnet Wire Coating 0.34*
(2.8)*

2) Extreme performance 0.34*
(2.8)*

A) Air dried 0.34*
(2.8)*

B) Baked 0.34*
(2.8)*

1) Steel pail and drum interior coating 0.52
(4.3)

2) All other coatings 0.52*
(4.3)*

(Note: The paper coating limitation shall not apply to any owner or operator of any paper coating line on which printing is

performed if the paper coating line complies with the emissions limitations in Subpart H, Printing and Publishing, Sections 218.401 of this Part.)

kg./l. lb./gal.

Coil Coating 0.31
(2.6)

Fabric Coating 0.35
(2.9)

Vinyl Coating 0.28*
(2.3)*

Metal Furniture Coating 0.45
(3.8)

1) Air dried 0.28*
(2.3)*

2) Baked 0.34*
(2.8)*

Large Appliance Coating 0.36
(3.0)

1) Magnet Wire Coating 0.28*
(2.3)*

2) Extreme performance 0.34*
(2.8)*

A) Air dried 0.34*
(2.8)*

B) Baked 0.34*
(2.8)*

1) Steel pail and drum interior coating 0.52
(4.3)

2) All other coatings 0.52*
(4.3)*

1) Magnet Wire Coating 0.20
(1.7)*

2) Extreme performance 0.20*
(1.7)*

A) Air dried 0.20*
(1.7)*

B) Baked 0.20*
(1.7)*

1) Steel pail and drum interior coating 0.52
(4.3)

2) All other coatings 0.52*
(4.3)*

1) Magnet Wire Coating 0.20
(1.7)*

2) Extreme performance 0.20*
(1.7)*

A) Air dried 0.20*
(1.7)*

B) Baked 0.20*
(1.7)*

1) Steel pail and drum interior coating 0.52
(4.3)

2) All other coatings 0.52*
(4.3)*

1) Magnet Wire Coating 0.20
(1.7)*

2) Extreme performance 0.20*
(1.7)*

A) Air dried 0.20*
(1.7)*

B) Baked 0.20*
(1.7)*

POSITION CONTROL BOARD

- 5) Marine engine coating

 - A) Air Dried 0.42 (3.5)
 - B) Baked 0.42* (3.5)*
 - i) Primer/Topcoat:
 - 0.42 (3.5)
 - ii) Corrosion resistant basecoat 0.42* (3.5)*
 - iii) Corrosion resistant basecoat 0.28* (2.3)* - C) Clear Coating 0.52 (4.3)
 - D) Metallic Coating 0.52* (4.3)*
 - A) Air Dried 0.42 (3.5)
 - B) Baked 0.36 (3.0)

6) Definitions

 - A) For purposes of subsection 218.204(j)(5) of this Section, the following terms are defined:
 - i) "Corrosion resistant basecoat" means, for purposes of subsection 218.204(j)(5)(B)(ii) of this Section, a water-borne epoxy coating applied via an electrodeposition process to a metal surface prior to spraying. For the purpose of enhancing corrosion resistance.
 - ii) "Electrodeposition process" means for the purposes of subsection 218.204(j)(5) of this Section, a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created.
 - iii) "Marine engine coating" means for the purposes of subsection 218.204(j)(5) of this Section, any extreme performance protective, decorative or functional coating applied to an engine that is used to propel watercraft.
 - B) For purposes of subsection 218.204(j)(6) of this Section, "metallic coating" means a coating which contains more than 1/4 lb/gal of metal particles, as applied.

Heavy Off-Highway Vehicle Products Coating

kg / m²

lb / gal

BOTTLENECK CONTROL BOARD

- 1) Wood Furniture Coating
 1.1) above.
 1.2) -Eaten-topcoat
 2) --Opaque-stain
 3) --Pigmented-coat
 4) --Repair-coat
 5) --Sealant
 6) --Semi-transparent-stain
 7) --Wash-coat

G. G. COOPER / Journal of Macroeconomics 26 (2004) 167–196

- | | | |
|----|------------------------|-------------------|
| A) | Clear topcoat | 9.9/1
19.2/8.1 |
| B) | Opaque stain | 0.56
(4.7) |
| C) | Pigmented coat | 0.60
(5.6) |
| D) | Reparl coat | 0.67
(5.6) |
| E) | Sealer | 0.67
(5.6) |
| F) | Semi-transparent stain | 0.79
(6.6) |
| G) | Wax coat. | 0.73
(6.1) |

卷之三

- furniture coating operation subject to this Section, unless the furniture coating, with the exception of no more than 37.8% coatings, with the exception of no more than 37.8% coating per day used for touch-up and repair operations, during the following application systems: aircraft system, air-assisted aerosol spray application system, electrostatic bell or discharge system, electrostatic spray application system, heated airless spray application system, hot wire coating system, air-coating and annealing system.

high volume low pressure (HVLP) application system.)
On and after March 15, 1998, wood furniture sealers and top-coats must
comply with one of the limitations specified in subsections (1)(2)(A)
through (E), below:

	<u>kg VOM/kg solids</u>	<u>lb VOM/lb solids</u>
A) Topcoat	<u>0.8</u>	<u>(0.8)</u>
B) Sealers and topcoats with the following limits:		

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- i) Non-acid-cured alkid amino vinyl sealer
1.9
[1.9]
- ii) Non-acid-cured alkid amino conversion varnish
1.8
[1.8]
- iii) Acid-cured alkid amino vinyl sealer
2.3
[2.3]
- iv) Acid-cured alkid amino conversion varnish
2.0
[2.0]

- C) Meet the provisions of Section 218.215 of this Subpart for use of an averaging approach:
 D) Achieve a reduction in emissions equivalent to the requirements of subsection (1)(2)(A) or (B) of this Section, as calculated using Section 218.216 of this Subpart; or
 E) Use a combination of the methods specified in subsections (1)(2)(A) through (D) of this Section.
 3) Other wood furniture coating limitations on and after March 15, 1998:
- | | kg/L | lb/gal |
|-------------------------------|------|--------|
| A) Opaque stain | 0.56 | (4.7) |
| B) Non-topcoat pigmented coat | 0.60 | (5.0) |
| C) Repair coat | 0.67 | (5.6) |
| D) Semi-transparent stain | 0.79 | (6.6) |
| E) Wash coat | 0.73 | (6.1) |
- 4) Other wood furniture coating requirements on and after March 15, 1998:
- A) No source subject to the limitations of subsection (1)(2)(A) or (3) of this Section and utilizing one or more wood furniture coatings spray booths shall use strippable spray booth coatings containing more than 0.8 kg VOC/kg solids (0.8 lb VOC/lb solids), as applied.

- B) Any source subject to the limitations of subsection (1)(2)(A) or (3) of this Section shall comply with the requirements of Section 218.217 of this Subpart.
 C) Any source subject to the limitations of subsection (1)(2)(A) or (B) of this Section and utilizing one or more continuous coaters shall, for each continuous coater, use an initial coating which complies with the limitations of subsection (1)(2)(A) or (B) of this Section. The viscosity of the coatings in each reservoir shall always be greater than or equal to the viscosity of the initial coating in the reservoir. The owner or operator shall:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- i) Monitor viscosity of the coating in the reservoir with a viscosity meter or by testing the viscosity of the initial coating and retesting the coating in the reservoir each time solvent is added.
- ii) Collect and record the reservoir viscosity and the amount and weight of VOC per weight of solids of coating and solvent each time coating or solvent is added; and
- iii) Maintain these records at the source for a period of three years.

Existing Diesel-Electric Locomotive Coating Lines in Cook County

	kg/L	lb/gal
1) Extreme performance prime coat	0.42*	(3.5)*
2) Extreme performance top-coat (air dried)	0.42*	(3.5)*
3) Final repair coat (air dried)	0.42*	(3.5)*
4) High-temperature aluminum coating	0.72*	(6.0)*
5) All other coatings	0.36*	(3.0)*

	kg/L	lb/gal
A) Plastic Parts Coating: Automotive/Transportation		
1) Interiors		
A) Baked		
i) Color coat	0.49*	(4.1)*
ii) Primer	0.46*	(3.8)*
B) Air Dried		
i) Color coat	0.38*	(3.2)*
ii) Primer	0.42*	(3.5)*
2) Exteriors (flexible and non-flexible)		
A) Baked		
i) Primer	0.60*	(5.0)*
ii) Primer non-flexible	0.54*	(4.5)*
B) Air Dried		
i) Clear coat	0.52*	(4.3)*
ii) Color coat	0.55*	(4.6)*

(red & black)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

iv)	Color coat	0.61*	(5.1)*
3)	Specialty (others)	0.66*	(5.5)*
A)	Vacuum metallizing basecoats; texture basecoats	0.71*	(5.9)*
B)	Black coatings, reflective agent coatings, air bag cover coatings, and soft coatings	0.77*	(6.4)*
C)	Gloss reducers, vacuum metallizing topcoats, and texture topcoats	0.82*	(6.8)*
D)	Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings	0.89*	(7.4)*
E)	Head lamp lens coatings		

o) Plastic Parts Coating: Business Machine

1)	Primer	kg./l	lb./gal
2)	Color coat (non-texture coat)	0.14*	(1.2)*
3)	Color coat (texture coat)	0.28*	(2.3)*
4)	Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings	0.48*	(4.0)*
5)	Specialty Coatings		
A)	Soft coat	0.52*	(4.3)*
B)	Plating resist	0.71*	(5.9)*
C)	Plating sensitizer	0.85*	(7.1)*

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the subject coating line unless the owner or operator has demonstrated compliance with subsection (a), (b), (c), (d), (e), (f), (g), (h) or (i) of this Section (depending upon the category of coating) through the applicable coating analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(d) of this Subpart:

- a) No owner or operator of a coating line subject to only one of the limitations from among Section 218.204(a)(1), (a)(4), (c), (d), (e) (f), or (i) of this Subpart shall apply coatings on any such coating line, during any day, whose whole daily-weighted average VOC content exceeds the emission limitation to which the coatings are subject.
- b) No owner or operator of a miscellaneous metal parts and products coating line subject to the limitations of Section 218.204(i) of this Subpart shall apply coatings to miscellaneous metal parts or products on the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- c) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(i) during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l [3.5 lbs/gal]), the daily-weighted average VOC content shall not exceed the coating VOC content limit corresponding to the category of coating used,

or

- d) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(j) of this Subpart, during the same day, the owner or operator shall have a site-specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.
- e) No owner or operator of a can coating line subject to the limitations of Section 218.204(b) of this Subpart shall operate the subject coating line using a coating with a VOC content in excess of the limitations specified in Section 218.204(b) of this Subpart unless all of the following requirements are met:

 - 1.) An alternative daily emission limitation shall be determined for the can coating operation, i.e. for all of the coating lines at the source, according to subsection (c)(2) of this Section. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation.

$$\text{E[d]} = \sum_{i=1}^n V[i]C[i]$$

where:

Section 218.205 Daily-Weighted Average Limitations

No owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart and complying by means of this Section shall operate

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

$E(d)$ = Actual VOM emissions for the day in units of kg/day (lbs/day);

i = Subscript denoting a specific coating applied;

n = Total number of coatings applied in the can coating operation, i.e. all can coating lines at the source;

$V[i]$ = Volume of each coating applied for the day in units of 1/day (gal/day) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);

$C[i]$ = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM).

2) The alternative daily emission limitation ($A(d)$) shall be determined for the can coating operation, i.e., for all of the can coating lines at the source, on a daily basis as follows:

$$A[d] = \sum_{i=1}^n V[i] C[i] - \frac{C[i]}{V[i] - 1}$$

where:

$A(d)$ = The VOM emissions allowed for the day in units of kg/day (lbs/day);

i = Subscript denoting a specific coating applied;

n = Total number of surface coatings applied in the can coating operation;

$C[i]$ = The VOM content of each surface coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);

$D[i]$ = The density of VOM in each coating applied. For the purposes of calculating $A(d)$, the density is 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM);

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

$V[i]$ = Volume of each surface coating applied for the day in units of 1 (gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);

$L[i]$ = The VOM emission limitation for each surface coating applied as specified in Section 218.204(b) of this Subpart in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM).

d) No owner or operator of a heavy off-highway vehicle products coating line subject to the limitations of Section 218.204(k) of this Subpart shall apply coatings to heavy off-highway vehicle products on the subject coating lines unless the requirements of subsection (d)(1) or (d)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(k) of this Subpart, during the same day (e.g., all coatings used on the line are subject to the requirements of subsection (e)(1) or (e)(2) of this Section, in addition to the requirements specified in the note to Section 218.204(l)(1) of this Subpart), which daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(k) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

e) No owner or operator of a wood furniture coating line subject to the limitations of Section 218.204(l)(1) or (l)(2) of this Subpart shall apply coatings to wood furniture on the subject coating line unless the requirements of subsection (e)(1) or (e)(2) of this Section, in addition to the requirements specified in the note to Section 218.204(l)(1) of this Subpart, are met.

1) For each coating line which applies multiple coating, all of which are subject to the same numerical emission limitation within Section 218.204(l)(1) or (l)(2) of this Subpart, during the same day (e.g., all coatings used on the line are subject to the requirements of subsection (e)(1) or (e)(2) of this Section, in addition to the requirements specified in the note to Section 218.204(l)(1) of this Subpart), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(l)(1) or (l)(2) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

E) No owner or operator of an existing diesel-electric locomotive coating line in Cook County, subject to the limitations of Section 218.204(m) of this Subpart, shall apply coatings to diesel-electric locomotives on the subject coating line unless the requirements of subsection (f)(1) or (f)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(m) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/1,000 ft², 1 lb/gal), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(m) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/1,000 ft², 1 lb/gal), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the one numerical emission limitation in Section 218.204(h) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

9) No owner or operator of a plastic parts coating line, subject to the limitations of Section 218.204(n) or (o) of this Subpart, shall apply coatings to business machine or automotive/transportation plastic parts on the subject coating line unless the requirements of subsection (g)(1) or (g)(2) of this Section are met:

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(n) or (o) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/1,000 ft², 1 lb/gal), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(n) or (o) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

b) No owner or operator of a metal furniture coating line, subject to the limitations of Section 218.204(g) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (h)(1) or (h)(2) of this Section are met:

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(g) of this Subpart, during the same day

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(e.g., all coatings used on the line are subject to 0.34 kg/1,000 ft², 1 lb/gal), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(g) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

1) No owner or operator of a large appliance coating line, subject to the limitations of Section 218.204(h) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (i)(1) or (i)(2) of this Section are met:

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(h) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/1,000 ft², 1 lb/gal), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(h) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 218.210 Compliance Schedule

Every owner or operator of a coating line (of a type included within Section 218.204 of this Subpart) shall comply with the requirements of Sections 218.208 and Section 218.211 or Sections 218.212 and 218.213 of this Subpart in accordance with the appropriate compliance schedule as specified in subsection (a), (b), (c), (d) or (f) below:

a) No owner or operator of a coating line which is exempt from the limitations of Section 218.208(a) or (b), of this Subpart because of the criteria in Section 218.208(a) or (b), of this Subpart shall operate said coating line on or after the date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section 218.211(b) of this Subpart. Wood furniture-coating-lines-are-not-subject-to-Section-218.208(a)-or-(b)-Subpart;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) No owner or operator of a coating line complying by means of Section 218.204 of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 218.204 and 218.211(c) of this Subpart.
- c) No owner or operator of a coating line complying by means of Section 218.205 of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 218.205 and 218.211(d) of this Subpart.
- d) No owner or operator of a coating line complying by means of Section 218.207 of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 218.207 and 218.211(e) of this Subpart.
- e) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 218.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 218.204, 218.205 or 218.207 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with, and continues to comply with, respectively, the applicable requirements in Section 218.204, or the alternative control options in Section Sections 218.205 or 218.207 and the requirements of Section 218.211.
- f) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 218.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 218.212 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with, and continues to comply with, the requirements of Sections 218.212 and 218.213 of this Subpart.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

R

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the coating line or group of coating lines is exempt under the provisions of Section 218.208(a), 218.208(b) of this Subpart Part. Such certification shall include:
- A) A declaration that the coating line or group of coating lines is exempt from the limitations of Section 218.204 of this Subpart Part because of Section 218.208(a) of this Subpart Part; and
- B) Calculations which demonstrate that the combined VOM emissions from the coating lines or group of coating lines never exceed 6.8 kg (15 lbs) per day before the application of capture systems and control devices. The following equation shall be used to calculate total VOM emissions:

$$\text{V}(\text{e}) = \sum_{j=1}^m \sum_{i=1}^n (\text{A}[i]\text{B}[i])$$

where:

- $\text{V}(\text{e})$ = Total VOM emissions from coating lines each day before the application of capture systems and control devices in units of kg/day (lbs/day);
- m = Number of coating lines at the source that otherwise would be subject to the same subsection of Section 218.104 of this Part because they belong to the same category, e.g., can coating;
- j = Subscript denoting an individual coating line;
- n = Number of different coatings as applied each day on each coating line;
- i = Subscript denoting an individual coating;
- $\text{A}[i]$ = Weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line in units of kg VOM/l (lbs VOM/gal); and
- $\text{B}[i]$ = Volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line in units of l/day (gal/day). The instrument or method by which the owner or operator accurately measured or calculated the volume of each coating as applied on each coating line each day shall be described in the certification to the Agency

- a) The VOM content of each coating and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 218.105 of this Part to establish the records required under this Section.
- b) Any owner or operator of a coating line which is exempted from the limitations of Section 218.204 of this Subpart Part because of Section 218.208(a) or (b) of this Subpart Part shall comply with the following:
- 1) For sources exempt under Section 218.208(a) of this Subpart, by a date consistent with Section 218.106 of this Part, the owner

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) For sources exempt under Section 218.208(b) of this Subpart, by March 15, 1998, or upon initial start-up, the owner or operator of a coating line or a group of coating lines referenced in Subsection (b) of this Section shall certify to the Agency that the source is exempt under the provisions of Section 218.208(b) of this Subpart. Such certification shall include:
- A declaration that the source is exempt from the limitations of Section 218.204(l) of this Subpart because of Section 218.208(b) of this Subpart; and
 - Calculations which demonstrate that the source meets the criteria for exemption because of Section 218.208(b) of this Subpart.
- 2.1 For sources exempt under Section 218.208(a) of this Subpart, On and after a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or group of coating lines referenced in this subsection shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
- The name and identification number of each coating as applied on each coating line; and
 - The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
- 2.2 For sources exempt under Section 218.208(b) of this Subpart, on and after March 15, 1998, the owner or operator of a coating line or group of coating lines referenced in this subsection (b) shall collect and record all of the following information for each coating line and maintain the information at the source for a period of three years:
- The name and identification number of each coating as applied on each coating line; and
 - The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on each coating line on a monthly basis.
- 2.3 On and after a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or group of coating lines exempted from the limitations of Section 218.204 of this Subpart, Part because of Section 218.208(a) of this Subpart Part shall notify the Agency of any record showing that total VOM emissions from the coating line or group of coating lines exceed 6.8 kg (15 lbs) in any day before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.
- 2.4 On and after March 15, 1998, any owner or operator of a source exempt from the limitations of Section 218.204(l) of this Subpart because of Section 218.208(b) of this Subpart shall notify the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Agency if the source's VOM emissions exceed the limitations of Section 218.208(b) of this Subpart by sending a copy of calculations showing such an exceedance within 30 days after the exceedance occurs.
- c) Any owner or operator of a coating line subject to the limitation of Section 218.204 of this Subpart Part other than Section 218.204(a)(2) or (a)(3) of this Subpart and complying by means of Section 218.204 of this Subpart Part shall comply with the following:
- 1) By the date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance from an existing subject coating line from Section 218.205, or Section 218.207, Section 218.215, or Section 218.216 of this Subpart Part to Section 218.204 of the Subpart Part, the owner or operator of a subject coating line shall certify to the Agency that the coating line will be in compliance with Section 218.204 of this Subpart Part on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. Such certification shall include:
 - The name and identification number of each coating as applied on each coating line;
 - The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line;
 - 2) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.
 - 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
 - The name and identification number of each coating as applied on each coating line; and
 - The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line;
 - 2) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line, and certified product data sheets for each coating; and
 - 2) On and after March 15, 1998, for wood furniture coating spray booths subject to the limitations of Section 218.204(l)(4)(A) of this Subpart, the weight of VOM per weight of solids in each spray booth, subject to the limitations of Section 218.204(l)(4)(A) of this Subpart, the weight of VOM per weight of solids in each spray booth.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

applied each day on each spray booth and certified product data sheets for each coating.

- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

- A) Any record showing violation of Section 218.204 of this Subpart Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

- B) At least 30 calendar days before changing the method of compliance from Section 218.204 of this Subpart Part to Section 218.205 or Section 218.207 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (d) or (e) of this Section, respectively.

- d) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart Part and complying by means of Section 218.205 of this Subpart Part shall comply with the following:

- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing subject coating line from Section 218.204 or Section 218.207 of this Subpart Part to Section 218.205 of this Subpart Part, the owner or operator of the subject coating line shall certify to the Agency that the coating line will be in compliance with Section 218.205 of this Subpart Part on and after the initial start-up date.

- Such certification shall include:
- A) The name and identification number of each coating line which will comply by means of Section 218.205 of this Subpart Part.

- B) The name and identification number of each coating as applied on each coating line.

- C) The weight of VOC per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOC) as applied each day on each coating line.

- D) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(1)(2)(A) or (B) of this Subpart, the weight of VOC per weight of solids in each coating as applied each day on each coating line.

- E) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

E1B4 The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.

G1B4 An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information for a period of three years:

A) The name and identification number of each coating as applied on each coating line.

B) The weight of VOC per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOC) as applied each day on each coating line.

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(1)(2)(A) or (B) of this Subpart, the weight of VOC per weight of solids in each coating as applied each day on each coating line.

D) The daily-weighted average VOC as applied on each coatings as applied on each coating line as defined in Section 218.104 of this Part.

E) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.205 of this Subpart Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 218.205 of this Subpart Part to Section 218.204 or Section 218.207 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart, report from Section 218.205 to Section 218.204 or Section 218.207 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c) or (e) of this Section, respectively.

e) Any owner or operator of a coating line subject to the limitations of Section 218.207 of this Subpart Part and complying by means of Section 218.207(c), (d), (e), (f), (g) or (h) of this Subpart Part shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from Section 218.204 or Section 218.205 of this Subpart Part to Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

218.207 of this Subpart Part, the owner or operator of the subject coating line shall perform all tests and submit to the Agency the results of all tests and calculation necessary to demonstrate that the subject coating line will be in compliance with Section 218.207 of this Subpart Part on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date.

On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information for a period of three years:

- A) The weight of VOC per volume of coating solids as applied each day on each coating line, if complying pursuant to Section 218.207(b)(2) of this Subpart Part.
- B) Control device monitoring data.
- C) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line.
- D) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

- A) Any record showing violation of Section 218.207 of this Subpart Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

B) At least 30 calendar days before changing the method of compliance with this Subpart from section 218.207 of this Subpart Part to Section 218.204 or Section 218.205 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.

B) Upon changing the method of compliance with this Subpart, absent from Section 218.207 of this Subpart Part to Section 218.204 or Section 218.205 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section,

E) Any owner or operator of a primer surfacer operation or topcoat operation subject to the limitations of Section 218.106 of this Subpart Part shall comply with the following:

- (a)(3) of this Subpart Part shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating operation, the owner or operator of a subject coating operation shall certify to the Agency that the operation will be in compliance with Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

218.204 of this Subpart Part on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. Such certification shall include:

- A) The name and identification number of each coating operation which will comply by means of Section 218.204(l)(2) and (a)(3) of this Subpart Part and the name and identification number of each coating line in each coating operation.
- B) The name and identification number of each coating as applied on each coating line in the coating operation.
- C) The weight of VOC per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOC) as applied each day on each coating line.
- D) The transfer efficiency and control efficiency measured for each coating line.
- E) Test reports, including raw data and calculations documenting the testing performed to measure transfer efficiency and control efficiency.
- F) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.
- G) The method by which the owner or operator will create and maintain records each day as required in subsection (f)(2) below.
- H) An example format for presenting the records required in subsection (f)(2) below.

- 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating operation shall collect and record all of the following information each day for each operation and maintain the information at the source for a period of three years:
- A) All information necessary to calculate the daily-weighted average VOC emissions from the coating operations in kg (lbs) per 1 (gal) of coating solids deposited in accordance with the proposal submitted, and approved pursuant to Section 218.204(a)(2) or (a)(3) of this Subpart Part including:
 - i) The name and identification number of each coating as applied on each coating operation.
 - ii) The weight of VOC per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOC) as applied each day on each coating operation.
 - iii) If a control device(s) is used to control VOC emissions, control device monitoring data; a log of operating time for the capture system, control device, monitoring equipment and the associated coating operation; and a maintenance log for the capture system, control device and monitoring equipment,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- 3) On and after a date consistent with Section 218.106 of this Part or, on and after the initial start-up date, the owner or operator of a subject coating operation shall determine and record the daily VOC emissions in kg (lbs) per 1 (gal) of coating solids deposited in accordance with the proposal submitted and approved pursuant to Section 218.204(a)(2) or (a)(3) of this Subpart, Part within 10 days from the end of the month and maintain this information at the source for a period of three years.

- 4) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating operation shall notify the Agency in the following instances:

- A) Any record showing a violation of Section 218.204(a)(2) or (a)(3) of this Subpart Part shall be reported by sending a copy of such record to the Agency within 15 days from the end of the month which the violation occurred.
- B) The owner or operator shall notify the Agency of any change to the operation at least 30 days before the change is effected. The Agency shall determine whether or not compliance testing is required. If the Agency determines that compliance testing is required, then the owner or operator shall submit a testing proposal to the Agency within 30 days and test within 10 days of the approval of the Proposal by the Agency and USEPA.

(Source : Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Option I:

$$\Delta_1 V(a) = \sum_{i=1}^n S_{i,a} (ER_i(TC_i) \times TC_i), \text{ and}$$

$$\Delta_1 V(\rho) = 0.9 \times \sum_{i=1}^n S_{i,a} (0.8 \times TC_i).$$

2) Option II:

$$\Delta_1 V(a) = \sum_{i=1}^n (ER_i(S_{i,a}) \times TC_i) + (ER_i(S_{i,a}) \times WC_i) + (ER_i(S_{i,a}) \times PC_i), \text{ and}$$

$$\Delta_1 V(\rho) = 0.9 \times \sum_{i=1}^n S_{i,a} ((0.8 \times TC_i) + (1.9 \times SE_i)) + (9.0 \times WC_i) + (13.2 \times PC_i) + (0.79 \times ST_i),$$

where:

$V(a)$ = Actual VOC emissions from the source;
 $V(\rho)$ = 90% of the allowable VOC emissions from the source;

n = Number of different wood furniture coating is as applied each day on each continual line;

i = Subscript denoting an individual continual line;

TC_i = Kilograms of solids in top-coat "i" used;

SE_i = Kilograms of solids in sealer "i" used;

WC_i = Kilograms of solids in wash coat "i" used;

PC_i = Kilograms of solids in non-topcoat, plenum-coat "i" used;

$S_{i,a}$ = Liter of stain "i" used;

$ER_i(TC_i)$ = VOC content of topcoat "i" in kg VOC/kg solids, as applied;

$ER_i(S_{i,a})$ = VOC content of sealer "i" in kg VOC/kg solids, as applied;

$ER_i(WC_i)$ = VOC content of washcoat "i" in kg VOC/kg solids, as applied;

$ER_i(PC_i)$ = VOC content of non-topcoat, plenum-coat "i" used;

ST_i = VOC content of non-topcoat, sealer "i" used;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

EI [ST1] = VOC content of stain "i" in kg VOM/liter (k_i/l), as supplied.

§1 Within the structure of the source's federally enforceable permit conditions, an owner or operator of a source election to rely on this Section to demonstrate compliance with this Subpart shall provide to the Agency:

1) The name and identification number of each particulating coating line;

2) The name and identification number of each coating as applied on each particulating coating line;

3) A summary of how overalum will be used to meet the emission limitations;

4) Documentation that $VOC_i \leq VPL_i$, as calculated in subsection (b)(1) or (2) of this Section;

5) A description of which types of coating materials will be included in the source's averaging program which may include stains, basecoats, washcoats, sealers, and topcoats. Coating materials that are applied using continuous coaters may be used in an averaging program only if the source can determine the amount of coating used each day.

6) A description of methods and procedures for quantifying emissions on a daily basis, including methods to determine the VOC content of each coating and the daily usage of each coating; and reporting procedures that will be used to demonstrate daily compliance with the requirements in subsections (b)(1) and (2) of this Section. These procedures shall be structured such that the Agency and the owner or operator of the source can determine the source's compliance status for any given day.

7) On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source election to rely on this Section to comply with the requirements of this Subpart shall, for each coating line relying on this Section, collect and record the following information on a daily basis and maintain the information at the source for a period of three years:

1) The name and identification number of each coating as applied on the coating line;

2) The weight of VOC per weight of solids (kg VOC/kg solids) and the weight of solids (kg) of each coating as applied on each coating line on a daily basis;

3) Certified data sheets for each coating and line.

4) The calculations showing the source has met the conditions of the inequalities in subsection (b)(1) or (2) of this Section.

5) On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source election to rely on this Section to comply with the requirements of this Subpart shall:

1) Notify the Agency within 30 calendar days following an occurrence

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of a violation of this Section, and send to the Agency any record showing a violation of this Section within 30 calendar days following the occurrence of a violation.

2) At least 30 calendar days before changing the method of compliance with this Subpart from reliance on this Section to reliance on Section 218.204(1)(2)(A) or (B) of this Subpart, the owner or operator of a source, relying on this Section to demonstrate compliance with this Subpart for one or more wood furniture coating lines shall:

1) Comply with all requirements of Section 218.211(C)(1) of this Subpart; and

2) Certify that all remaining coating lines relying on this Section to comply with the requirements of this Subpart, if any, comply and continue to comply with the requirements of this Section.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 218.216 Wood Furniture Coating Add-On Control Use

§1 At least 30 calendar days following the occurrence of a violation with this Subpart from reliance on this Section to reliance on Section 218.204(1)(2)(A) or (B) of this Subpart, the owner or operator of a source, relying on this Section to demonstrate compliance with this Subpart for one or more wood furniture coating lines shall:

1) Comply with all requirements of Section 218.211(C)(1) of this Subpart; and

2) Certify that all remaining coating lines relying on this Section to comply with the requirements of this Subpart, if any, comply and continue to comply with the requirements of this Section.

(Source: Added at 21 Ill. Reg. _____, effective _____)

§2 The owner or operator of a source subject to the requirements of Section 218.216 shall choose to comply with those limitations by relying on Section 218.204(1)(2)(B) of this Subpart if all of the following requirements are met:

a) For each coating applied, determine the overall control efficiency needed to demonstrate compliance using the following equation:

$$E = [(C - L)/C] \times 100$$

b) The necessary overall capture and control efficiency of the control system, as a percentage;

c) The VOC content of the coating in kilograms of VOC per kilograms of coating solids (kg VOC/kg solids), as applied;

d) The emission limitation for that coating, as given in Section 218.204(1)(2)(B) of this Subpart;

e) Calculate the equivalent overall capture and control efficiency of the control device using the procedures of Section 218.205(c), (d), and (e) of this Part;

f) Demonstrate that the procedures in Section 218.205(c), (d), and (e) of this Part is equal to or greater than the largest value of R calculated for each coating by the equation in subsection (a) of this Section.

g) Install, calibrate, operate, and maintain the applicable monitor

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Equipment for the control device as specified in Section 218.105(d) of this Part:

- e1 On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall, for each coating line relying on this Section, collect and record the following information on a daily basis and maintain the information at the source for a period of three years:

1. The name and identification number of each coating as applied on the coating line;
2. The weight of VOC per weight of solids (wt. % VOC) of each coating as applied on each coating line on a daily basis;
3. Certified product data sheets for each coating;
4. Control device monitoring data;
5. A log of operating time for the capture system, control device, monitoring equipment and the associated coating line; and
6. A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages.

e1 On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall:

1. Notify the Agency within 30 calendar days following an occurrence of a violation of this Section; and
2. Send to the Agency any record showing a violation of this Section within 30 calendar days following the occurrence of a violation.

g1 At least 30 calendar days before changing the method of compliance with this Subpart from reliance on this Section to reliance on Section 218.204(1)(2)(A) or (B) of this Subpart, the owner or operator of this source relying on this Section to demonstrate compliance with this Subpart, for one or more wood furniture coating lines shall:

1. Comply with all requirements of Section 218.211(c)(1) of this Subpart; and
2. Certify that all remaining coating lines relying on this Section to comply with the requirements of this Subpart, if any, comply and continue to comply with the requirements of this Section.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 218.217 Wood Furniture Coating Work Practice Standards

g1 **Spray booth cleaning.** Each owner or operator of a source subject to the limitations of Section 218.203(1) of this Subpart shall not use compounds containing more than 8.0 percent, by weight, of VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, and metal filters, unless the spray

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth contains or other material used to cover the booth is being replaced, the affected source shall use no more than 1.0 gallon of organic solvent to preheat the booth prior to applying the booth coating.

b1 Cleanants and storage requirements. Each owner or operator of a source subject to the limitations of Section 218.204(1) of this Subpart shall:

1. Keep, store, and dispose of all coating, cleaning, and washoff materials in closed containers;
 2. Pour or drain all organic solvent used for line cleaning into closed containers;
 3. Collect all organic solvent used to clean spray guns in closed containers; and
 4. Control emissions from washoff operations by using closed tanks.
- c1 Subject to the limitations of Section 218.204(1) of this Subpart use conventional air spray guns to apply coating materials to wood furniture except under the circumstances specified in subsections (g)(1) through (4) of this Section:
1. To apply coating materials that have a VOC content no greater than 3.0 kg VOC/kg solids (1.0 lb VOC/lb solids), as applied;
 2. For certain coating under the following circumstances:
 - a1 The coating materials are applied after the completion of the coating operations or
 - b1 The coating materials are applied after the stain, and before any other type of coating material is applied, and the coating materials are derived from a container that has a volume of no more than 2.0 gallons;
 3. If the spray gun is aimed and triggered automatically, rather than manually;
 4. If emissions from the finishing application station are directed to a control device pursuant to Section 218.216 of this Subpart.

(Source: Added at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Organic Material Emission Standards and Limitations
for the Metro-East Area

2) Code Citation: 35 Ill. Adm. Code 219

3) Section Numbers: Proposed Action:

219.182	Amend
219.204	Amend
219.205	Amend
219.210	Amend
219.211	Amend
219.215	New
219.216	New
219.217	New

4) Statutory Authority: 415 ILCS 5/27

5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes amendments to 35 Ill. Adm. Code 219 pursuant to Section 182(b)(2) and Section 183 of the Clean Air Act, as amended in 1990, 42 U.S.C. Section 7401 et seq., which require states to submit revisions to their State Implementation Plans (SIPs). The revised SIP must include provisions requiring the implementation of Reasonably Available Control Technology for each category of volatile organic material sources covered by a Control Techniques Guidelines document.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 8/5(3(b)).

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R97-31 within 45 days after publication in the Illinois Register to:

Dorothy Gunn
Clerk
Pollution Control Board
100 West Randolph Street
Suite 11-500

Audrey Lourik-Lawless
Attorney
Pollution Control Board
100 West Randolph Street
Suite 11-500

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Chicago, IL 60601
312/844-6931
312/816-6923

12) Initial Regulatory Flexibility Analysis: The proposed amendments to 35 Ill. Adm. Code 219 pertain to wood furniture coating sources which emit more than 25 tons of volatile organic material annually. These rules are mandated by the Clean Air Act and, therefore, no small businesses will be affected to a degree greater than allowed by federal law.

A) Types of small businesses, small municipalities and not for profit corporations affected: Those wood furniture coating operations that emit more than 25 tons of volatile organic material annually.

B) Recordkeeping to the extent necessary to demonstrate that a source is either not subject to the requirements of the proposed amendments or to demonstrate that the source is meeting the requirements of the proposal.

C) Types of professional skills necessary for compliance: Technical, perhaps engineering and clerical.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 36: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS

FOR STATIONARY SOURCES

PART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

FOR THE METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

Section
219.100 Introduction

219.101 Savings Clause

219.102 Abbreviations and Conversion Factors

219.103 Applicability

219.104 Definitions

219.105 Test Methods and Procedures

219.106 Compliance Dates

219.107 Operations of Affeburners

219.108 Exemptions, Variations, and Alternative Means of Control or

Compliance Determinations

219.109 Vapor Pressure of Volatile Organic Liquids

219.110 Vapo: Pressure of Organic Material or Solvent

219.111 Vapor Pressure of Volatile Organic Material

219.112 Incorporations by Reference

219.113 Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section
219.119 Applicability for VOL

219.120 Control Requirements for Storage Containers of VOL

219.121 Storage Containers of VOL

219.122 Loading Operations

219.123 Petroleum Liquid Storage Tanks

219.124 External Floating Roofs

219.125 Compliance Dates

219.126 Compliance Plan (Repealed)

219.127 Testing VOL Operations

219.128 Monitoring VOL Operations

219.129 Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section
219.141 Separation Operations

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

219.142 Pumps and Compressors

219.143 Vapor Blowdown

219.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section
219.181 Solvent Cleaning in General

219.182 Cold Cleaning

219.183 Open Top Vapor Degreasing

219.184 Conveyored Degreasing

219.185 Compliance Schedule (Repealed)

219.186 Test Methods

SUBPART F: COATING OPERATIONS

Section
219.204 Emission Limitations

219.205 Daily-Weighted Average Limitations

219.206 Solids Basis Calculation

219.207 Alternative Emission Limitations

219.208 Exemptions From Emission Limitations

219.209 Exemption from General Rule on Use of Organic Material

219.210 Compliance Schedule

219.211 Recordkeeping and Reporting

219.212 Cross-Line Averaging to Establish Compliance for Coating Lines

219.213 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines

219.214 Changing Compliance Methods

219.215 Wood Furniture Coatings Averaging Approach

219.216 Wood Furniture Coatings Add-on Control Miss

219.217 Wood Furniture Coatings Work Practice Standards

SUBPART G: USE OF ORGANIC MATERIAL

Section
219.301 Use of Organic Material

219.302 Alternative Standard

219.303 Fuel Combustion Emission Units

219.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section
219.401 Flexographic and Rotogravure Printing

219.402 Application

219.403 Compliance Schedule

219.404 Recordkeeping and Reporting

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 219.405 Lithographic Printing: Applicability Provisions Applying to Netset Web Offset Lithographic Printing Prior to March 15, 1996
- 219.406 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
- 219.407 Compliance Schedule for Lithographic Printing on and After March 15, 1996
- 219.408 Testing for Lithographic Printing On and After March 15, 1996
- 219.409 Monitoring Requirements for Lithographic Printing
- 219.410 Recorkeeping and Reporting for Lithographic Printing
- 219.411 Recorkeeping and Reporting for Lithographic Printing

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT*

Section	219.421 General Requirements	219.422 Inspection Program for Leaks	219.423 Inspection Program for Leaks	219.424 Repiping Leaks	219.425 Recordkeeping For Leaks	219.426 Report for Leaks	219.427 Alternative Program for Leaks	219.428 Open-Ended Valves	219.429 Standards for Control Devices	219.430 Compliance Date (Repealed)	219.431 Applicability	219.432 Control Requirements	219.433 Performance and Testing Requirements	219.434 Monitoring Requirements	219.435 Recordkeeping and Reporting Requirements	219.436 Compliance Date
Section	219.441 Petroleum Refinery Waste Gas Disposal	219.442 Vacuum Producing Systems	219.443 Wastewater (Oil/Water) Separator	219.444 Process Unit Turnarounds	219.445 Leaks: General Requirements	219.446 Monitoring Program Plan for Leaks	219.447 Monitoring Program for Leaks	219.448 Recordkeeping For Leaks	219.449 Reporting for Leaks	219.450 Alternative Program for Leaks	219.451 Sealing Device Requirements	219.452 Compliance Schedule for Leaks				
Section	219.461 Manufacture of Pneumatic Rubber Tires	219.462 Green Tire Spraying Operations	219.463 Alternative Emission Reduction Systems	219.464 Emission Testing	219.465 Compliance Dates (Repealed)	219.466 Compliance Plan (Repealed)										
Section	219.480 Applicability	219.481 Control of Reactors, Distillation Units, Crystallizers, and vacuum Dryers	219.482 Control of Air Dryers, Production Equipment	219.483 Material Storage and Transfer	219.484 In-Process Tanks	219.485 Leaks	219.486 Other Emission Units	219.487 Testing	219.488 Monitoring for Air Pollution Control Equipment	219.489 Recordkeeping for Air Pollution Control Equipment						
Section	219.500 Applicability for Batch Operations	219.501 Control Requirements for Batch Operations	219.502 Determination of Uncontrolled Total Annual Mass Emissions and Actual Weighted Average Flow Rate Values for Batch Operations	219.503 Performance and Testing Requirements for Batch Operations	219.504 Monitoring Requirements for Batch Operations	219.505 Reporting and Recordkeeping for Batch Operations	219.506 Compliance Date	219.520 Emission Limitations for Air Oxidation Processes	219.521 Definitions (Repealed)	219.522 Savings Clause	219.523 Compliance	219.524 Determination of Applicability	219.525 Emission Limitations for Air Oxidation Processes (Renumbered)			
Section	219.526 Testing and Monitoring	219.527 Compliance Date (Repealed)														

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

SUBPART T: PHARMACEUTICAL MANUFACTURING

SUBPART U: PETROLEUM REFINING AND RELATED INDUSTRIES:

ASPHALT MATERIALS

Section	219.441 Petroleum Refinery Waste Gas Disposal	219.442 Vacuum Producing Systems	219.443 Wastewater (Oil/Water) Separator	219.444 Process Unit Turnarounds	219.445 Leaks: General Requirements	219.446 Monitoring Program Plan for Leaks	219.447 Monitoring Program for Leaks	219.448 Recordkeeping For Leaks	219.449 Reporting for Leaks	219.450 Alternative Program for Leaks	219.451 Sealing Device Requirements	219.452 Compliance Schedule for Leaks				
Section	219.461 Manufacture of Pneumatic Rubber Tires	219.462 Green Tire Spraying Operations	219.463 Alternative Emission Reduction Systems	219.464 Emission Testing	219.465 Compliance Dates (Repealed)	219.466 Compliance Plan (Repealed)										
Section	219.480 Applicability	219.481 Control of Reactors, Distillation Units, Crystallizers, and vacuum Dryers	219.482 Control of Air Dryers, Production Equipment	219.483 Material Storage and Transfer	219.484 In-Process Tanks	219.485 Leaks	219.486 Other Emission Units	219.487 Testing	219.488 Monitoring for Air Pollution Control Equipment	219.489 Recordkeeping for Air Pollution Control Equipment						
Section	219.500 Applicability for Batch Operations	219.501 Control Requirements for Batch Operations	219.502 Determination of Uncontrolled Total Annual Mass Emissions and Actual Weighted Average Flow Rate Values for Batch Operations	219.503 Performance and Testing Requirements for Batch Operations	219.504 Monitoring Requirements for Batch Operations	219.505 Reporting and Recordkeeping for Batch Operations	219.506 Compliance Date	219.520 Emission Limitations for Air Oxidation Processes	219.521 Definitions (Repealed)	219.522 Savings Clause	219.523 Compliance	219.524 Determination of Applicability	219.525 Emission Limitations for Air Oxidation Processes (Renumbered)			
Section	219.526 Testing and Monitoring	219.527 Compliance Date (Repealed)														

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART W: AGRICULTURE

Section 219.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section 219.561 Architectural Coatings
219.562 Paving Operations
219.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section 219.581 Bulk Gasoline Plants
219.582 Bulk Gasoline Terminals
219.583 Gasoline Dispensing Operations - Storage Tank Filling Operations
219.584 Gasoline Delivery Vessels
219.585 Gasoline Volatility Standards
219.586 Gasoline Dispensing Operations - Motor Vehicle Fueling Operations
(Repealed)

SUBPART Z: DRY CLEANERS

Section 219.601 Perchloroethylene Dry Cleaners
219.602 Exemptions
219.603 Leaks
219.604 Compliance Dates (Repealed)
219.605 Compliance Plan (Repealed)
219.606 Exception to Compliance Plan (Repealed)
219.607 Standards for Petroleum Solvent Dry Cleaners
219.608 Operating Practices for Petroleum Solvent Dry Cleaners
219.609 Program for Inspection and Repair of Leaks
219.610 Testing and Monitoring
219.611 Exemption for Petroleum Solvent Dry Cleaners
219.612 Compliance Dates (Repealed)
219.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section 219.620 Applicability
219.621 Exemption for Waterbase Material and Heatset- Offset Ink
219.622 Permit Conditions
219.623 Open-Top Mills, Tanks, Vats or Vessels
219.624 Grinding Mills

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART BB: POLYSTYRENE PLANTS

Section 219.626 Storage Tanks
Leaks
219.628 Clean Up
Compliance Schedule
219.636 Recordkeeping and Reporting

SUBPART FF: BAKERY OVENS (Repealed)

Section 219.640 Applicability
219.642 Emissions Limiting at Polystyrene Plants
Emissions Limiting

SUBPART GG: MARINE TERMINALS

Section 219.720 Applicability (Repealed)
Control Requirements (Repealed)
219.722 Testing (Repealed)
Monitoring (Repealed)
219.726 Recordkeeping and Reporting (Repealed)
Compliance Date (Repealed)
219.730 Certification (Repealed)

SUBPART HH: MOTOR VEHICLE REFINISHING

Section 219.760 Applicability
Control Requirements
Compliance Certification
219.762 Leaks
219.764 Emissions Limitations
Testing and Monitoring
Recordkeeping and Reporting
219.770 Certification (Repealed)

SUBPART II: BAKERY OVENS (Repealed)

Section 219.780 Emission Limitations
Alternative Control Requirements
219.782 Equipment Specifications
219.784 Surface Preparation Materials
219.786 Work Practices
219.788 Monitoring and Recordkeeping for Control Devices

SUBPART III: MOTOR VEHICLE REFINISHING

Section 219.790 General Recordkeeping and Reporting
Compliance Date
219.792 Registration
219.875 Applicability of Subpart BB (Renumbered)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

219.877 Emissions Limitation at Polystyrene Plants (Renumbered)

Compliance Date (Repealed)

219.879 Compliance Date (Renumbered)

Control Requirements

219.881 Compliance Plan (Renumbered)

Special Requirements for Compliance Plan (Renewed)

219.883 Emissions Testing (Renumbered)

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT^M MANUFACTURING PROCESSES

Section

219.920 Applicability

Permit Conditions

Control Requirements

219.926 Compliance Schedule

Testing

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section

219.920 Applicability

Permit Conditions

Control Requirements

219.943 Compliance Schedule

Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section

219.940 Applicability

Permit Conditions

Control Requirements

219.947 Compliance Schedule

Testing

SUBPART TT: OTHER EMISSION UNITS

Section

219.940 Applicability

Permit Conditions

Control Requirements

219.947 Compliance Schedule

Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section

219.980 Exempt Emission Units

Permit Conditions

Control Requirements

219.985 Compliance Schedule

Testing

SUBPART VV: SOLVENT^M CLEANING

Section

219.991 Subject Emission Units

Control Requirements

Compliance Schedule

Testing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing

YOM Measurement Techniques for Capture Efficiency Reference Methods and Procedures -

Coefficients for the Total Resource Effectiveness Index (TRE) Coefficients

Equation

List of Affected Marine Terminals

TRE Index Measurements for SODCI Reactors and Distillation Units

Baseline YOM Content Limitations for Subpart F, Section 219.212 Cross-Line Averaging

APPENDIX E Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [41 ILCS 5/10 and 28.5].

APPENDIX F Adopted in R91-8 at 15 IIL Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 IIL Reg. 13697, effective August 24, 1992; amended in R91-30 at 16 IIL Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 IIL Reg. 8299, effective May 24, 1993; for a maximum of 150 days; amended in R93-9 at 17 IIL Reg. 16218, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 IIL Reg. 16212, effective March 21, 1994; amended in R94-12 at 18 IIL Reg. 19871, effective September 21, 1994; amended in R94-15 at 18 IIL Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 IIL Reg. 15980, effective November 15, 1994; emergency amendment in R95-10 at 19 IIL Reg. 30395 effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-32 at 19 IIL Reg. 8956, effective May 9, 1995; amended in R94-33 at 19 IIL Reg. 7385, effective May 21, 1995; amended in R96-2 at 20 IIL Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 IIL Reg. 14462, effective October 28, 1996; amended in R97-24 at 21 IIL Reg. 7721, effective June 9, 1997; amended in R97-31 at 21 IIL Reg. 21 IIL Reg. 7721, effective _____, effective _____.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

SUBPART E: SOLVENT^M CLEANING

Section 219.182 Cold Cleaning

a) Operating Procedures: No person shall operate a cold cleaning degreaser unless:

1) Waste solvent is stored in covered containers only and not disposed of in such a manner that more than 20% of the waste solvent (by weight) is allowed to evaporate into the atmosphere;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 2) The cover of the degreaser is closed when parts are not being handled; and
- 3) Parts are drained until dripping ceases;
- b) Equipment Requirements: No person shall operate a cold cleaning degreaser unless:
- 1) The degreaser is equipped with a cover which is closed whenever parts are not being handled in the cleaner. The cover shall be designed to be easily operated with one hand or with the mechanical assistance of springs, counter-weights, or a powered system if:
 - A) The solvent vapor pressure is greater than 2 kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F);
 - B) The solvent is agitated; or
 - C) The solvent is heated above ambient room temperature. - 2) The degreaser is equipped with a device for draining cleaned parts. The draining device shall be constructed so that parts are enclosed under the cover while draining unless:
 - A) The solvent vapor pressure is less than 4.3 kPa (32 mmHg or 0.6 psi) measured at 38°C (100°F); or
 - B) An internal drainage device cannot be fitted into the cleaning system, in which case the drainage device may be external. - 3) The degreaser is equipped with one of the following control devices if the vapor pressure of the solvent is greater than 4.3 kPa (32 mmHg or 0.6 psi) measured at 38°C (100°F) or if the solvent is heated above 50°C (120°F) or its boiling point:
 - A) A freeboard height of 7/10 of the inside width of the tank or 91 cm (36 in), whichever is less; or
 - B) Any other equipment or system of equivalent emission control as approved by the Agency and further processed consistent with Section 219.108 of this Part. Such a system may include a water cover, refrigerated chiller or carbon absorber.
- 4) A permanent conspicuous label summarizing the operating procedure is affixed to the degreaser; and
- 5) If a solvent spray is used, the degreaser is equipped with a solid fluid stream spray, rather than a fine atomized or shower spray.
- c) Material Requirements:
- 1) On and after March 15, 1999, no person shall:
 - A) Cause or allow the sale of solvent with a vapor pressure which exceeds 2.0 mmHg (0.038 psia) measured at 20°C (68°F) in units greater than five (5) gallons, for use in cold cleaning degreasing operations located in the area covered by Section 219.03 218-103 of this Part.
 - B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 1.0 mmHg (0.019 psia) measured at 20°C (68°F).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 2) On and after March 15, 2001, no person shall:
- A) Cause or allow the sale of solvent with a vapor pressure which exceeds 1.0 mmHg (0.019 psia) measured at 20°C (68°F) in units greater than five (5) gallons, for use in cold cleaning degreasing operations located in the area covered by Section 219.03 218-103 of this Part.
 - B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 1.0 mmHg (0.019 psia) measured at 20°C (68°F).
 - C) Recordkeeping Requirements: On and after March 15, 1999:
 - 1) All persons subject to the requirements of subsections (c)(1)(A) and (c)(2)(A) of this Section must maintain records which include for each sale:
 - A) The name and address of the solvent purchaser;
 - B) The date of sale;
 - C) The type of solvent;
 - D) The unit volume of solvent;
 - E) The total volume of solvent; and
 - F) The vapor pressure of the solvent measured in mmHg at 20°C (68°F). - 2) All persons subject to the requirements of subsections (c)(1)(B) and (c)(2)(B) of this Section must maintain records which include for each purchase:
 - A) The name and address of the solvent supplier;
 - B) The date of purchase;
 - C) The type of solvent; and
 - D) The vapor pressure of the solvent measured in mmHg at 20°C (68°F). - e) All records required by subsection (d) of this Section shall be retained for three years and shall be made available to the Agency upon request.
 - f) The cleaning of electronic components as defined in 35 Ill. Adm. Code 211.185 is exempt from the requirements of subsection (c) of this Section.

g) Any cold cleaning taking place in a Bettex cold batch degreaser Model #2D-CC-SP. Size 24-10, or substantial equivalent, including automated loading of parts, totally enclosed operation (excluding loading or unloading) and permitted by the Agency, is exempt from the requirements of subsection (c) of this Section.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART F: COATING OPERATIONS

Section 219.204 Emission Limitations

Except as provided in Sections 219.205, 219.207, 219.208, and 219.212, 219.215 C (68°F).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

and 219.216 of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOC content exceeds the following emission limitations for the specified coating. Except as provided in Section 219.204(l), compliance with the emission limitations marked with an asterisk (*) in this Section is required on and after March 15, 1996, and compliance requirements with emission limitations not marked with an asterisk is required until March 15, 1996. The following emission limitations are expressed in units of VOC per volume of coating (minus water) and any compounds which are specifically exempted from the definition of VOC) as applied at each coating applicator, except where noted. Compounds which are specifically exempted from the definition of VOC should be treated as water for the purpose of calculating the "less water" part of the coating composition. Compliance with this Subpart must be demonstrated through the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.21(c) of this Subpart except where noted. (Note: The equation presented in Section 219.206 of this Part shall be used to calculate emission limitations for determining compliance by add-on controls, credits for transfer efficiency, emission trades, and cross-line averaging.) The emission limitations are as follows:

a)	Automobile or Light-Duty Truck Coating	kg/l	lb/gal
1)	Prime coat	0.14 0.14* 1.81 1.81*	(1.2) (1.2)* (5.1) (5.1)*
2)	Primer surfacer coat		
3)	Topcoat	1.81 1.81*	(5.1) (5.1)*

(Note: The primer surfacer coat limitation is in units of kg (lbs) or VOC per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire primer surfacer operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b) and the recordkeeping and reporting requirements specified in Section 219.21(l). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the primer surfacer limitation.)

a)	Automobile or Light-Duty Truck Coating	kg/l	lb/gal
1)	Prime coat	0.14 0.14* 1.81 1.81*	(1.2) (1.2)* (5.1) (5.1)*
2)	Primer surfacer coat		
3)	Topcoat	1.81 1.81*	(5.1) (5.1)*

(Note: The topcoat limitation is in units of kg (lbs) of VOC per 1 (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b) of this Part and the recordkeeping and reporting requirements specified in Section 219.21(l). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 of this Part does not apply to the topcoat limitation.)

a)	Automobile or Light-Duty Truck Coating	kg/l	lb/gal
1)	Prime coat	0.14 0.14* 1.81 1.81*	(1.2) (1.2)* (5.1) (5.1)*
2)	Primer surfacer coat		
3)	Topcoat	1.81 1.81*	(5.1) (5.1)*

b)	Can Coating	kg/l	lb/gal
1)	Sheet basecoat and overvarnish	0.34 0.34*	(2.8) (2.8)*
2)	Overvarnish	0.34 0.34	(2.8) (2.8)
3)	Exterior basecoat and overvarnish	0.34 0.25*	(2.8) (2.1)*
4)	Interior body spray coat	0.51 0.44*	(4.2) (3.7)*
5)	Side seam spray coat	0.51* 0.51	(4.2) (4.2)*
6)	End sealing compound coat	0.44 0.44*	(3.7) (3.7)*

c)	Paper Coating	kg/l	lb/gal
1)	Paper Coating	0.35 0.28*	(2.9) (2.3)*

(Note: The paper coating limitation shall not apply to any owner or operator of any paper coating line on which printing is performed if the paper coating line complies with the emissions limitations in Subpart H: Printing and Publishing, Sections 219.401 of this Part.)

d)	Coil Coating	kg/l	lb/gal
1)	Coil Coating	0.31 0.20*	(2.6) (1.7)*
2)	Fabric Coating	0.35	(2.9)

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

	POLUTION CONTROL BOARD	NOTICE OF PROPOSED AMENDMENT			
	POLUTION CONTROL BOARD	kg/l	lb/gal		
f)	Vinyl Coating	0.28* (2.3)* 0.45 (3.8)* 0.28* (2.3)*	k)	Heavy Off-Highway Vehicle Products Coating	0.42* (3.5)*
g)	Metal Furniture Coating	0.36 (2.8)*	1) Extreme performance prime coat	0.42* (3.5)*	
1) Air dried		0.34* (3.0)*	2) Extreme performance top-coat (air dried)	0.42* (3.5)*	
2) Baked		0.28* (2.3)*	3) Final repair coat (air dried)	0.42* (3.5)*	
h)	Large Appliance Coating	0.34 (2.8)*	4) All other coatings are subject to the emission limitations for miscellaneous metal parts and products coatings in subsection (j) above.	0.42* (3.5)*	
1) Air dried		0.34* (2.8)*			
2) Baked		0.28* (2.3)*			
			1) Limitations before March 15, 1998:		
			A) Clear topcoat	kg/l lb/gal	
i)	Magnet Wire Coating	0.20 (1.7)*	B) Opaque stain	0.56 (4.7)*	
j)	Miscellaneous Metal Parts and Products Coating	0.20*	C) Pigmented coat	0.56 (4.7)*	
1) Clear Coating		0.52 (4.3)*	D) Enamel coat	0.60 (5.0)*	
2) Extreme performance coating		0.52* (4.3)*	E) Sealer	0.67 (5.6)*	
A) Air dried		0.42 (3.5)*	F) Semi-transparent stain	0.79 (6.6)*	
B) Baked		0.42 (3.5)*	G) Wash coat	0.73 (6.1)*	
3) Steel ball and drum interior coating		0.40* (3.3)*	1) --Clear-topcoat	kg/l lb/gal	
4) All other coatings		0.52* (4.3)*	2) --Opaque stain	0.67* (5.7)*	
A) Air Dried		0.42 (3.5)*	3) --Pigmented-coat	0.56 (4.7)*	
B) Baked		0.36 (3.0)*	4) --Repair-coat	0.68 (5.8)*	
5) Metallic coating		0.42 (3.5)*	5) --Sealer	0.67 (5.7)*	
A) Air Dried		0.42* (3.0)*	6) --Semi-transparent-stain	0.79 (6.6)*	
B) Baked		0.36 (3.0)*	7) --Wash-coat	0.73 (6.1)*	
		0.34* (2.8)*		0.73* (6.1)*	

(Note: The limitation shall not apply to the use of quick-drying lacquers for repair of scratches and nicks that occur during assembly, provided that the volume of coating does not exceed 0.95 l (1 quart) in any one rolling eight-hour period.)

kg/l
lb/gal

(Note: Prior to March 15, 1998, all An owner or operator of a wood furniture coating operation subject to this Section shall apply all coatings, with the exception of no more than 37.8 l (10 gal) of coating per day used for touch-up and repair operations, using one or more of the following application systems: airless spray application system, air-assisted airless spray application system, electrostatic spray application system, electrostatic bell or disc-spray application system, "metallic coating" means a coating which contains more than 1/4 lb/gal of metal particles, as applied.

1) Limitations before March 15, 1998:

A) Clear topcoat

B) Opaque stain

C) Pigmented coat

D) Enamel coat

E) Sealer

F) Semi-transparent stain

G) Wash coat

1) --Clear-topcoat

2) --Opaque stain

3) --Pigmented-coat

4) --Repair-coat

5) --Sealer

6) --Semi-transparent-stain

7) --Wash-coat

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

system, heated airless spray application system, roller coating, brush or wipe coating application system, dip coating application system or high volume low pressure (HVLP) application system.)
 21 On and after March 15, 1998, wood furniture sealers and topcoats must comply with one of the limitations specified in subsections (1)(2)(A) through (E), below:

kg VOC/kg solids

lb VOC/lb solids

(0.8)

B1 Sealers and topcoats with the following limits:

i1 Non-acid cured alkyd amino vinyl sealer

1.9
[1.9]

ii1 Non-acid-cured alkyd amino conversion varnish

1.8
[1.8]

iii1 Acid-cured alkyd amino vinyl sealer

2.2
[2.3]

iv1 Acid-cured alkyd amino conversion varnish

2.0
[2.0]

C1 Meet the revisions of Section 219.215 of this Subpart for use of an averaging approach:

D1 Achieve a reduction in emissions equivalent to the requirements of Section 219.204(1)(2)(A) or (B) of this Subpart, as calculated using Section 219.216 of this Subpart; or

E1 Use a combination of the methods specified in Section 219.204(1)(2)(A) through (D) of this Subpart.

21 Other wood furniture coating limitations on and after March 15, 1998:

A1 Opaque stain
0.56
[0.47]

B1 Non-topcoat pigmented coat

0.60
[0.50]

C1 Repair coat

0.62
[0.52]

D1 Semi-transparent stain

0.72
[0.62]

E1 Wash coat

0.73
[0.61]41 Other wood furniture coating requirements on and after March 15, 1998:
 A1 No source subject to the limitations of subsection (1)(2) or (J) of this section and utilizing one or more wood

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

furniture coating, spray booths shall use strippable spray booth coatings containing more than 0.8 kg solids (0.8 lb VOC/lb solids), as applied.

B1 Any source subject to the limitations of subsection (1)(2) or (J) of this Section shall comply with the requirements of Section 219.217 of this Subpart.

C1 Any source subject to the limitations of subsection (1)(2)(A) or (B) of this Section and utilizing one or more continuous coaters, shall for each continuous coater, use an initial coating which complies with the limitations of subsection (1)(2)(A) or (B) of this Section. The viscosity of the coating in each reservoir shall always be greater than or equal to the viscosity of the initial coating in the reservoir. The owner or operator shall:

i1 Monitor the viscosity of the coating in the reservoir with a viscometer or by testing the viscosity of the initial coating and retesting the coating in the reservoir each time solvent is added;

ii1 Collect and record the reservoir viscosity and the amount and weight of VOC per weight of solids of coating, and solvent, each time coating or solvent is added; and

iii1 Maintain these records at the source for a period of three years.

m) Plastic Parts Coating: Automotive/transportation

kg/l

lb/gal

1) Interiors

A) Baked

i1 Color coat

ii1 Primer

B) Air Dried

i1 Color coat

ii1 Primer

2) Exteriors (flexible and non-flexible)

A) Baked

i1 Primer

ii1 Color coat

iii1 Clear coat

iv1 Color coat

B) Air Dried

i1 Primer

ii1 Clear coat

iii1 Color coat

BOARD OF DIRECTORS

NOTICE OF REASSESSMENT AND REVALUATION

<p>(red & black) iv) Color coat (others)</p> <p>0.61* (5.1)*</p>	
<p>3) Specialty basecoats, texture basecoats</p> <p>A) Vacuum metallizing basecoats, texture basecoats</p> <p>B) Black reflective agent coatings, air bag cover coatings, and soft coatings</p> <p>C) Gloss reducers, vacuum metallizing topcoats, and texture topcoats</p> <p>D) Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings</p> <p>E) Head lamp lens coatings</p>	<p>0.66* (5.1)*</p> <p>0.71* (5.9)*</p> <p>0.77* (6.4)*</p> <p>0.82* (6.8)*</p> <p>0.89* (7.4)*</p>
<p>n) Plastic Parts Coating:</p>	<p>Business Machine kg/l</p>
<p>1) Primer</p> <p>2) Color coat (non- texture coat)</p> <p>3) Color coat (texture coat)</p> <p>4) Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings</p> <p>5) Specialty Coatings</p> <p>A) Soft coat</p> <p>B) Plating resist</p> <p>C) Plating sensitizers</p>	<p>0.14* (1.2)*</p> <p>0.28* (2.3)*</p> <p>0.28* (2.3)*</p> <p>0.48* (4.0)*</p> <p>0.52* (4.3)*</p> <p>0.71* (5.9)*</p> <p>0.85* (7.1)*</p>
<p>(Source: Amended at 21 III.</p>	<p>Reg.</p>

Section 219.205 Daily-Weighted Average Limitations

SECTION ONE

NOTICE OF PROPOSED MUNICIPALITY

No owner or operator of a coating line subject to the limitations of Section 219.204(a) of this Subpart and complying by means of this Section shall operate the subject coating line unless the owner or operator has demonstrated compliance with subsection (a)(1), (b), (c), (d), (e), (f), (g), or (h) of this Section depending upon the category of coating, the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(d) of this Subpart:

- a) No owner or operator of a coating line subject to one of the limitations from among Section 219.204(a)(1), (a)(1), (c), (d), (e), (f), or (i) of this Subpart shall apply coatings on any such coating line, during any day, whose whole daily-weighted average VOC content exceeds the emission limitation to which the coatings are subject.
- b) No owner or operator of a miscellaneous metal parts and products coating line subject to the limitations of Section 219.204(j) of this Subpart shall apply coatings to miscellaneous metal parts or products on the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
 - 1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(j) of this Subpart during the same day (e.g., all coatings used on the line are subject to 0.42 kg/J (1.5 lbs/gal)), the daily-weighted average VOC content shall not exceed the coating VOC content limit corresponding to the category of coating used, or
 - 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 219.204(j) of this Subpart during the same day, the owner or operator shall have a site-specific proposal approved by the agency and approved by USEPA as SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and associated policy), 51 FR, Reg. 48184 (December 4, 1986), must be satisfied.
- c) No owner or operator of a can-coating line subject to the limitations of Section 219.204(b) of this Subpart shall operate the subject coating line using a coating with a VOC content in excess of the limitations specified in Section 219.204(b) of this Subpart unless all of the following requirements are met:
 - 1) An alternative daily emission limitation for the can coating operation, i.e. for all of the can-coating lines at the source, shall be determined according to subsection (c)(2) of this Section. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation.

$$E[d] = \sum_{i=1}^n v(i)c(i)$$

POLILLION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT:

where:

$E[i]$ = Actual VOM emissions for the day in units of kg/day (lbs./day);
 i = Subscript denoting a specific coating applied;
 n = Total number of coatings applied in the can coating operation, i.e. all can coating lines at the source;

$V[i]$ = Volume of each coating applied for the day in units of l/day (gal./day) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);

$C[i]$ = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM).

2) The alternative daily emission limitation ($A[d]$) shall be determined for the can coating operation, i.e. for all of the can coating lines at the source, on a daily basis as follows:

$$A[d] = \sum_{i=1}^n V[i] C[i] \frac{D[i]}{D[i] - E[i]}$$

where:

$A[d]$ = The VOM emissions allowed for the day in units of kg/day (lbs./day);
 i = Subscript denoting a specific coating applied;
 n = Total number of surface coatings applied in the can coating operation;

$C[i]$ = The VOM content of each surface coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);
 $D[i]$ = The density of VOM in each coating applied. For the purposes of calculating $A[d]$, the density is 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM);

POLILLION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

$V[i]$ = Volume of each surface coating applied for the day in units of l (gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);

$L[i]$ = The VOM emission limitation for each surface coating applied as specified in Section 219.204(b) of this Subpart in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compound which are specifically exempted from the definition of VOM);

d) No owner or operator of a heavy off-highway vehicle products coating line subject to the limitations of Section 219.204(t) of this Subpart shall apply coatings to heavy off-highway vehicle products on the subject coating line unless the requirements of subsection (d)(1) or (d)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(k) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 219.204(t) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

e) No owner or operator of a wood furniture coating line subject to the limitations of Section 219.204(l)(1) or (l)(3) of this Subpart shall apply coatings to wood furniture on the subject coating line unless the requirements of subsection (e)(1) or (e)(2) of this Section, in addition to the requirements specified in the note to Section 219.204(l)(1) of this Subpart, are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(l)(1) or (l)(3) of this Subpart, during the same date (e.g., all coatings used on the line are subject to 0.67 kg/l (5.6 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 219.204(l)(1) or (l)(3) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision, to receive

POULATION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT¹

approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

f) No owner or operator of a plastic parts coating line subject to the limitations of Section 219.204(e) or (n) of this Subpart shall apply coatings to business machine or automotive/transportation plastic parts on the subject coating line unless the requirements of subsection (f)(1) or (f)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(m) or (n) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/1.35 lbs/gal), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Sections 219.204(m) or (n) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

g) No owner or operator of a metal furniture coating line subject to the limitations of Section 219.204(g) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (g)(1) or (g)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(g) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/1.32 lbs/gal), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 219.204(g) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

h) No owner or operator of a large appliance coating line subject to the limitations of Section 219.204(h) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (h)(1) or (h)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(h) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/1.32 lbs/gal), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

NOTICE OF PROPOSED AMENDMENT¹

- (+2.8 lbs/gal), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or
- 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 219.204(h) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 219.210 Compliance Schedule

Every owner or operator of a coating line (or a type included within Section 219.204 of this Subpart) shall comply with the requirements of Section 219.204, 219.205, 219.207 or 219.208 and Section 219.211 or Sections 219.212 and 219.213 of this Subpart. In accordance with the appropriate compliance schedule as specified in subsection (a), (b), (c), (d), (e) or (f) below:

a) No owner or operator of a coating line which is exempt from the limitations of Section 219.204 of this Subpart because of the criteria in Section 219.208(a) or (b) of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.204 and 219.211(c) of this Subpart.

b) No owner or operator of a coating line complying by means of Section 219.204 of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.205 and 219.211(d) of this Subpart.

c) No owner or operator of a coating line complying by means of Section 219.205 of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.205 and 219.211(e) of this Subpart.

d) No owner or operator of a coating line complying by means of Section 219.207 of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.207 and 219.211(f) of this Subpart.

e) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 219.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 219.204, 219.205 or 219.207 of this Subpart, shall operate said

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT¹

coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with, respectively, the applicable requirements in Section 219.204 or 219.207 and the requirements of Section 219.211.

(e) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 219.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 219.212 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with the requirements of Sections 219.212 and 219.213 of this Subpart.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 219.211 Recordkeeping and Reporting

a) The VOC content of each coating and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 219.105 of this Part to establish the records required under this Section.

b) Any owner or operator of a coating line which is exempted from the limitations of Section 219.204 of this Subpart Part because of Section 219.208(a) or (b) of this Subpart Part shall comply with the following:

1) For sources exempt from Section 219.208(a) of this Subpart, by a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the coating line or group of coating lines is exempt under the provisions of Section 219.208(a) of this Subpart Part. Such certification shall include:

A) A declaration that the coating line is exempt from the limitations of Section 219.204 of this Subpart Part because of Section 219.208(a) of this Subpart Part; and

B) Calculations which demonstrate that the combined VOC emissions from the coating line and all other coating lines in the same category never exceed 6.8 kg (15 lbs) per day before the application of capture systems and control devices. The following equation shall be used to calculate total VOC emissions:

$$\text{Total VOC} = \sum_{j=1}^n \text{VOC}(\text{Rate}_j \cdot \text{Time}_j)$$

where:

- ¹ The term "VOC" means total volatile organic compounds emitted from the definition of VOC as applied each day on each coating line in units of kg VOC/1 (lbs VOC/gal);
- m = Number of coating lines at the source that otherwise would be subject to the same subsection of Section 219.104 of this Part (because they belong to the same category, e.g., can coating);
- j = Subscript denoting an individual coating line;
- n = Number of different coatings as applied each day on each coating line;
- i = Subscript denoting an individual coating;
- A(i) = Weight of VOC per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOC) as applied each day on each coating line
- B(i) = Volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOC) as applied each day on each coating line of which the owner or operator accurately measured or calculated the volume of each coating as applied on each coating line each day shall be described in the certification to the Agency.
- 21) For sources exempt under Section 219.208(b) of this Subpart, by March 15, 1998, or upon initial start-up, the owner or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the source is exempt under the revisions of Section 219.208(b) of this Subpart. Such certification shall include:
- A) A declaration that the source is exempt from the limitations of Section 219.204(a) of this Subpart because of Section 219.208(b) of this Subpart; and
- B) Calculations which demonstrate that the source meets the criteria of exemption because of Section 219.208(b) of this Subpart.
- 21) For sources exempt under Section 219.208(a) of this Subpart, on and after a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of lines referenced in this subsection shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating as applied on each coating line; and

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line:
1. For sources exempt under Section 219.208(b) of this Subpart, or operator of a coating line or group of coating lines referenced in this subsection (b), shall collect and record all of the following information for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating as applied on each coating line; and
- B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on each coating line on a monthly basis.
2. On and after a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of coating lines exempted from the limitations of Section 219.204 of this Subpart, because of Section 219.208(a) of this Subpart, Part shall notify the Agency of any record showing that total VOM emissions from the coating line or group of coating lines exceed 6.8 kg (15 lbs) in any day before the application of capture systems and control devices by sending a copy of such record to the Agency within 10 days after the exceedance occurs.
3. On and after March 15, 1998, any owner or operator of a source exempt from the limitations of Section 219.204(1) of this Subpart, because of Section 219.208(b) of this Subpart, shall notify the Agency if the source's VOM emissions exceed the limitations of Section 219.208(b) of this Subpart by sending a copy of calculations showing such an exceedance within 30 days after the change occurs.
- c) Any owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart, part other than Section 219.204(a)(1) and (a)(3) of this Subpart and complying by means of Section 219.204 of this Subpart, Part shall comply with the following:
- 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance from an existing subject coating line from Section 219.205, or Section 219.207, Section 219.215, or Section 219.216 of this Subpart to Section 219.204 of this Subpart, Part, the owner or operator of a subject coating line shall certify to the Agency that the coating line will be in compliance with Section 219.204 of this Subpart, Part on and after a date consistent with Section 219.106 of this Part, or and after the initial start-up date. Such certification shall include:
- A) The name and identification number of each coating as applied on each coating line; and

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- B) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line:
- C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.
- 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line and complying by means of Section 219.204 shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating as applied on each coating line;
- B) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line;
- C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line, and certified product sheets for each coating;
- D) On and after March 15, 1998, for wood furniture coating spray booth, subject to the limitation of Section 219.204(1)(4)(A) of this Subpart, the weight of VOM per weight of solids in each spray booth coating as applied each day on each spray booth and certified product data sheets for each coating.
- 3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
- A) Any record showing violation of Section 219.204 of this Subpart, Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation
- B) At least 30 calendar days before changing the method of compliance from Section 219.204 to Section 219.205 or Section 219.207 of this Subpart, the owner or operator of this Subpart, Part shall comply with all requirements of subsection (d)(1) or (e)(1) below, respectively. Upon changing the method of compliance from Section 219.204 to Section 219.205 or Section 219.207 of this Subpart, Part, the owner or operator shall comply with all requirements of subsection (d) or (e) of this Section, respectively.
- d) Any owner or operator of a coating line subject to the limitations of

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Section 219.204 of this Subpart Part and complying by means of Section 219.205 of this Subpart Part shall comply with the following:

- 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing subject coating line from Section 219.204 or Section 219.205 of this Subpart Part; the owner or operator of the subject coating line shall certify to the Agency that the coating line will be in compliance with Section 219.205 on and after the initial start-up date. Such certification shall include:

- A) The name and identification number of each coating line which will comply by means of Section 219.205 of this Subpart Part;
- B) The name and identification number of each coating as applied on each coating line.
- C) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

- D) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.

- E) By the instrument or method by which the owner or operator will actually measure or calculate the volume of each coating as applied each day on each coating line.

- F) By the method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.

- G) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

- 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating and maintain the information at the source for a period of three years:

- A) The name and identification number of each coating as applied on each coating line.
- B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

- C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.

D) The daily-weighted average VOM content of all coatings as

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

applied on each coating line as defined in Section 219.104 of this Part.

- 3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

- A) Any record showing violation of Section 219.205 of this Subpart Part shall be reported by sending a copy of such record to the Agency within 30 days, following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance with this Subpart subject from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (e)(1) of this Subpart, respectively, upon changing the method of compliance with this Subpart subject from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c) or (e) of this Section, respectively.

- C) Any owner or operator of a coating line subject to the limitations of Section 219.207 and complying by means of Section 219.207(a), (b), (g) or (h) of this Subpart Part shall comply with the method of compliance for an existing coating line from Section 219.204 or Section 219.205 to Section 219.207 of this Subpart Part, the owner or operator of the subject coating line shall perform all tests and submit to the Agency the results of all tests, and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 219.106 of this Subpart Part on and after the date consistent with Section 219.106 of this Part, or and after the initial start-up date.
- D) On and after the date consistent with Section 219.207 of this Subpart Part, or on and after the initial start-up date, the owner or operator of a coating line shall collect and record all of the following information at the source for a period of three years:

- A) The weight of VOM per volume of coating solids as applied each day on each coating line, if complying pursuant to Section 219.207(b)(2) of this Subpart Part.
- B) Control device monitoring data.
- C) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line.

- D) A maintenance log for the capture system, control device and monitoring equipment including all routine and non-routine maintenance performed including dates and duration of any outages.

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
- Any record showing violation of Section 219.207 of this Subpart Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
 - At least 30 calendar days before changing the method of compliance with this Subpart from Section 219.207 to Section 219.204 or Section 219.205 of this Subpart Part, the owner or operator shall comply with all requirements of subsection 9(c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart, submit from Section 219.207 to Section 219.204 or Section 219.205 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.
 - Any owner or operator of a primer surface operation or topcoat operation subject to the limitations of Section 219.204(a)(2) or (a)(1) of this Subpart Part shall comply with the following:
 - By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating operation, the owner or operator of a subject coating operation shall certify to the Agency that the operation will be in compliance with Section 219.204 of this Subpart Part on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. Such certification shall include:
 - The name and identification number of each coating operation which will comply by means of Section 219.204(a)(2) and (a)(3) of this Subpart Part and the name and identification number of each coating line in each coating operation.
 - The name and identification number of each coating as applied on each coating line in the coating operation.
 - The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
 - The transfer efficiency and control efficiency measured for each coating line.
 - Test reports, including raw data and calculations documenting the testing performed to measure transfer efficiency and control efficiency.
 - The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.
 - The method by which the owner or operator will create and maintain records each day as required in subsection (f)(2).
- H) An example format for presenting the records required in

POLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating operation shall collect and record all of the following information each day for each topcoat or primer surfercoating operation and maintain the information at the source for a period of three years:
- All information necessary to calculate the daily-weighted average VOM emissions from the coating operations in kg (lbs) per 1 (gal) of coating solids deposited in accordance with the proposal submitted, and approved pursuant to Section 219.204(a)(2) or (a)(3) of this Subpart Part including:
 - The name and identification number of each coating as applied on each coating operation.
 - The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating operation.
 - If a control device(s) is used to control VOM emissions, control device monitoring data; a log of operating time for the capture system, control device, monitoring equipment and the associated coating operation; and a maintenance log for the capture system, control device and monitoring equipment, detailing all routine and non-routine maintenance performed including dates and duration of any outages.
 - On and after the initial start-up date, the owner or operator of a subject coating operation shall determine and record the daily VOM emissions in kg(lbs) per 1 (gal) of coating solids deposited in accordance with the proposal submitted and approved pursuant to Section 219.204(a)(2) or (a)(3) of this Subpart Part within 10 days from the end of the month and maintain this information at the source for a period of three years.
 - On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating operation shall notify the Agency in the following instances:
 - Any record showing a violation of Section 219.204(a)(2) or (a)(3) of this Subpart Part shall be reported by sending a copy of such record to the Agency within 15 days from the end of the month in which the violation occurred.
 - The owner or operator shall notify the Agency of any change to the operation at least 30 days before the change is effected. The Agency shall determine whether or not compliance testing is required. If the Agency determines that compliance testing is required, then the owner or operator shall submit a testing proposal to the Agency within 30 days and test within 30 days of the approval of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

the proposal by the Agency and USEPA.
 (Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 219.215 Wood Furniture Containing Averaging Approach

a) On and after March 15, 1998, any owner or operator of a source subject to the limitations of Section 219.204(l)(1) of this Subpart may elect to comply with the requirements of this Section, rather than complying with the applicable emission limitations set forth in Section 219.204(l)(1)(A) or (B) of this Subpart. The source must continue to comply with the limitations set forth in Section 219.204(l)(3) and (4) of this Subpart. A source electing to rely on this Section to demonstrate compliance with the requirements of this Subpart shall operate pursuant to federally enforceable permit conditions approved by the Agency and USEPA.

b) An owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart and electing to rely on this Section to demonstrate compliance with this Subpart must establish, by use of subsection (b)(1) or (b)(2) of this Section, that, on a daily basis, actual emissions from the affected source are less than or equal to ninety percent of the allowable emissions, that is $V_{(l)} \leq V_{(P)}$.

1) Option I:

$$\text{A} \quad V_{(l)} = \sum_{i=1}^n S_{(i)} \frac{V_{(P)}}{10.8 \times T_{(C(i))}}; \text{ and}$$

$$\text{B} \quad V_{(P)} = 0.9 \times \sum_{i=1}^n S_{(i)} [0.8 \times T_{(C(i))}]$$

2) Option II:

$$\text{A} \quad V_{(l)} = \sum_{i=1}^n \frac{S_{(i)} [(ER(T_{(C(i)}) \times T_{(C(i))}) + (ER(SE(i)) \times SE(i))] + (ER(NC(i)) \times NC(i)) + (ER(SP(i)) \times SP(i))]}{(ER(ST(i)) \times ST(i))}; \text{ and}$$

$$\text{B} \quad V_{(P)} = 0.9 \times \sum_{i=1}^n S_{(i)} \left[(1.8 \times T_{(C(i))}) + (1.9 \times SE(i)) + (9.0 \times NC(i)) + (0.2 \times PC(i)) + (0.791 \times ST(i)) \right]$$

where:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

$V_{(P)}$ = Actual VOC emissions from the source;

$V_{(l)}$ = 90% of the allowable VOC emissions from the source, as calculated each day on each coating line;

$S_{(i)}$ = Subscript "i" denoting an individual coating line;

$T_{(C(i))}$ = Kilograms of solids in topcoat "i" used;

$SE(i)$ = Kilograms of solids in sealer "i" used;

$NC(i)$ = Kilograms of solids in wash coat "i" used;

$SP(i)$ = Kilograms of solids in non-topcoat pigmented coat "i" used;

$ST(i)$ = Liters of stain "i" used;

$ER(T_{(C(i))})$ = VOC content of topcoat "i" in kg VOC/kg solids, as applied;

$ER(SE(i))$ = VOC content of sealer "i" in kg VOC/kg solids, as applied;

$ER(WC(i))$ = VOC content of washcoat "i" in kg VOC/kg solids, as applied;

$ER(PC(i))$ = VOC content of non-topcoat pigmented coat "i" in kg VOC/kg solids, as applied;

$ER(ST(i))$ = VOC content of stain "i" in kg VOC/liter (kg/l); as applied.

c) Within the structure of the source's federally enforceable permit conditions, an owner or operator of a source electing to rely on this Section to demonstrate compliance with this Subpart shall provide to the Agency:

1) The name and identification number of each coating as applied on each participating coating line;

2) A summary of how averaging will be used to meet the emission limitations;

3) Documentation that $V_{(l)} \leq V_{(P)}$, as calculated in subsection (b)(1) or (2) of this Section;

4) A description of which types of coating materials will be included in the source's averting, washcoat, sealers, and topcoats. Coating materials that are applied using continuous coaters may be used in an averaging protocol only if the source can determine the amount of coating used each day;

5) A description of methods and procedures for quantifying emissions on a daily basis, including methods to determine the VOC content of each coating and the daily usage of each coating and topcoat. These procedures shall be structured such that the Agency and the owner or operator of the source can determine the source's

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- d) Compliance status for any given day, on and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall, for each coating line relying on this Section, collect and record the following information on a daily basis and maintain the information at the source for a period of three years:
- 1) The name and identification number of each coating as applied on the coating line;
 - 2) The weight of VOC per weight of solids (kg VOC/kg solids) and the weight of solids (kg) of each coating as applied on each coating line on a daily basis;
 - 3) Certified product data sheets for each finishing material; and
 - 4) The calculations showing the source has met the conditions of the inequalities in subsection (b)(1) or (2) of this Section.

- e) On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall:
- 1) Notify the Agency within 30 calendar days following an occurrence of a violation of this Section; and
 - 2) Send to the Agency any record showing a violation of this Section within 30 calendar days following the occurrence of a violation.

- f) At least 30 calendar days before changing the method of compliance with this Subpart from reliance on this Section to reliance on Section 219.204(1)(2)(A) or (B), this Subpart, the owner or operator of a source relying on this Section to demonstrate compliance with this Subpart, for one or more wood furniture coating lines shall:
- 1) Comply with all requirements of Section 219.211(c)(1) of this Subpart; and
 - 2) Certify that all remaining coating lines, relied on in this Section to comply with the requirements of this Subpart, if any, comply and continue to comply with the requirements of this Section.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 219.216 Wood Furniture Coating Add-On Control Use

The owner or operator of a source subject to the requirements of Section 219.204(1)(2) of this Subpart may choose to comply with those limitations by relying on Section 219.211(2)(D) of this Subpart if the owner or operator of the source meets all of the following requirements:

- a) For each coating applied, determine the overall control efficiency needed to demonstrate compliance using the following equation:

$$R = [(C - L)/C] \times 100$$

sheet 1

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

R = the necessary overall capture and control efficiency of the control system, as a percentage;

C = the VOC content of the coating, in kilograms of VOC per kilogram of coating solids (kg VOC/kg solids), as applied;

L = the emission limit for that coating, as given in Section 219.204(1)(2)(B) of this Subpart.

b) Calculate the equivalent overall capture and control efficiency of the control device using the procedures of subsections 219.105(c), (d), and (e) of this Part.

c) Demonstrate that the equivalent overall capture and control efficiency calculated using the procedures in subsections 219.105(c), (d), and (e) of this Part is equal to or greater than the largest value of R calculated for each coating by the equation in subsection (a) of this Section.

d) Install, calibrate, operate and maintain the applicable monitoring equipment for the control device as specified in Section 219.05(d) of this Part.

e) On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall, for each coating line relying on this Section, collect and record the following information on a daily basis and maintain the information at the source for a period of three years:

1) The name and identification number of each coating as applied on the coating line;

2) The weight of VOC per weight of solids (kg VOC/kg solids) of each coating applied on each coating line on a daily basis;

3) Control device monitoring data;

4) A log of operating time for the capture system, control device, monitoring equipment and the associated coating lines; and

5) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

f) On and after March 15, 1998 or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall:

1) Notify the Agency within 30 calendar days following an occurrence of a violation of this Section; and

2) Send to the Agency any record showing a violation of this Section within 30 calendar days following the occurrence of a violation.

g) At least 30 calendar days before changing the method of compliance with this Subpart from reliance on Section 219.204(1)(2)(A) or (B) of this Subpart, the owner or operator of a

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

source relying on this Section to demonstrate compliance with this subject for one or more wood furniture coating lines shall:

- 1) Comply with all requirements of Section 219.211(c)(1) of this Subpart; and
- 2) Certify that all remaining coating lines relying on this Section to comply with the requirements of this Subpart, if any, comply and continue to comply with the requirements of this Section.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 219.217 Wood Furniture Coating Work Practice Standards

a) Spray booth cleaning. Each owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall not use compounds containing more than 8.0 percent, by weight, of VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures and metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the affected source shall use no more than 4.0 gallon of organic solvent to recreate the booth prior to applying the booth coating.

b) Cleanout and storage requirements. Each owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall:

- 1) Keep, store, and dispose of all coatings, cleanings, and washoff materials in closed containers;
 - 2) Pump or drain all organic solvent used for line cleaning into closed containers;
 - 3) Collect all organic solvent used to clean spray guns in closed containers; and
 - 4) Control emissions from washoff operations by using closed tanks.
- c) Application equipment requirements. No owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall use conventional air spray guns to apply coating materials to wood furniture subject under the circumstances specified in subsections 219.211 through 219.214 of this Section:
- 1) to apply coating materials that have a VOC content no greater than 1.0 kg VOC/kg solids (1.0 lb VOC/lb solids), as applied.
 - 2) For repair coating under the following circumstances:
 - A) The coating materials are applied after the completion of the coating operations; or
 - B) The coating materials are applied after the stain and before any other type of coating material is applied, and the coating materials are applied from a container that has a volume of no more than 2.0 gallons.
- d) If the spray gun is aimed and tripped automatically, rather

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Placement and Visitation Services
- 2) Code Citation: 89 Ill. Adm. Code 301
- 3) Section Numbers: 301.89
- 4) Statutory Authority: Implementing and authorized by the Children and Family Services Act [20 ILCS 405]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305/1-103]; Adoption Assistance and Child Welfare Act of 1980 [42 U.S.C.A. 670 et seq.]; 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].
- 5) Effective Date of Amendments: October 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: October 1, 1997.
- 9) Notice of Proposal Published in Illinois Register: April 25, 1997, 21 Ill. Reg. 5006
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference between proposal and final version: Minor editing changes were made in accordance with the technical suggestions made by JCAR.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the assessment letter issued by JCAR? Yes
- 13) Will these proposed amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this part? No
- 15) Summary and Purpose of These Amendments: The Department is amending this part to require that relatives, with whom the Department places children for which it is legally responsible, authorize a check of the Statewide Child Sex Offender Registry as part of the background check and to delete a requirement that relatives complete an application for Aid to Families with Dependent Children (AFDC) as a condition of placement funding.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ms. Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715

The full text of the adopted rule begins on the next page:

- 1) Heading of the Part: Placement and Visitation Services
- 2) Code Citation: 89 Ill. Adm. Code 301
- 3) Section Numbers: 301.89
- 4) Statutory Authority: Implementing and authorized by the Children and Family Services Act [20 ILCS 405]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305/1-103]; Adoption Assistance and Child Welfare Act of 1980 [42 U.S.C.A. 670 et seq.]; 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].
- 5) Effective Date of Amendments: October 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: October 1, 1997.
- 9) Notice of Proposal Published in Illinois Register: April 25, 1997, 21 Ill. Reg. 5006
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference between proposal and final version: Minor editing changes were made in accordance with the technical suggestions made by JCAR.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the assessment letter issued by JCAR? Yes
- 13) Will these proposed amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this part? No
- 15) Summary and Purpose of These Amendments: The Department is amending this part to require that relatives, with whom the Department places children for which it is legally responsible, authorize a check of the Statewide Child Sex Offender Registry as part of the background check and to delete a requirement that relatives complete an application for Aid to Families with Dependent Children (AFDC) as a condition of placement funding.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

abuse or neglect to reside in the relative's home unless previously authorized in writing by the Department;

5) agrees to notify the Department of any changes in the household composition resulting from any change of address;

6) agrees to notify the Department of prior written consent of the Department for non-emergency medical, psychological, or psychiatric testing or treatment;

8) agrees to take the children out of state only if previously authorized in writing by the Department;

9) agrees to abide by any conditions or limitations on the parent-child visitation plan which have been imposed by the court or are contained in the client service plan;

10) is willing to cooperate with the agency, the children's parent(s) and other resource persons to help develop and achieve the permanency goal recorded in the child(ren)'s service plan; and

11) agrees to adequately supervise the children so they are not left in situations or circumstances which are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate.

c) Prior to placement with a relative, staff of the placing agency shall visit the home of the proposed caregiver and shall determine whether the following conditions for placement are met:

1) background checks of the Child Abuse Neglect Tracking System (CANTS) as required by 89 Ill. Adm. Code 385 (Background Checks) and a check of the Statewide Child Sex Offender Registry have been completed on all adult members of the household and children age 13 and over, communicated to the supervising agency prior to placement, and appropriate decisions made. If a report of abuse or neglect exists, staff of the placing agency have made appropriate decisions whether the child should be placed with the relative based on the following considerations:

A) the type of indicated abuse and neglect;

B) the age of the individual at the time of the report;

C) the length of time that has elapsed since the most recent indicated report;

D) the relationship of the report to the ability to care for the related children; and

E) evidence of successful parenting;

2) a check of the Law Enforcement Agency Data System (LEADS) on all adult members of the household is completed prior to placement of the related children. If the results of the LEADS check identify prior criminal convictions listed in Appendix A of 89 Ill. Adm. Code 301, Placement and Visitation Services, for any adult member of the household, children shall not be placed in the relative's home unless a waiver has been granted in

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

accordance with the requirements of Appendix A of this Partiz

3) the home is free from observable hazards;

4) prescription and non-prescription drugs, dangerous household supplies, dangerous tools, weapons, guns and ammunition are stored in places inaccessible to children;

5) basic utilities -- water, heat, electricity -- are in operation;

6) sleeping arrangements are suitable to the age and sex of the children;

7) meals can be provided daily to the related children(ren) in sufficient quantities to meet the child(ren)'s nutritional needs;

8) supervision of the related children can be assured at all times including times when the relative is employed or otherwise engaged in activity outside of the home;

9) the relative can provide basic necessities for themselves and their own child(ren);

10) the relative can access health care and provide necessary in-home support for any health care needs of the related children;

11) no member of the household appears to have a communicable disease which could pose a threat to the health of the related children or an emotional or physical impairment which could affect the ability of the caregiver to provide routine daily care to the related child(ren) or to evacuate them safely in an emergency;

12) there is no evidence of current drug or alcohol abuse by any household member as determined by the placing agency's observations and statement provided the relative;

13) the relative has the ability to contact the agency, if necessary, and the ability to be contacted;

14) the relative has immediate access to a telephone when the related child has medical or other special needs;

15) the relative shall cooperate with the supervising agency's educational and service plan for the child, and

16) the relative shall cooperate with the supervising agency's financial support for the care of the child, including the Dependent---Child---(APBC)---application---and---eligibility determination process---if---the---relative---fails---to---complete---the APBC application and eligibility determination process within---99 days---after---the---date---the---child---was---placed---with---the---relative---the---relative---will---receive---no---payment---from---the---Department---in---such cases---the---the---supervising---agency---shall---be---assessed---the---continued liability of the relative---as---oner

d) Prior to or concurrent with placement in a relative's home, staff of the placing agency shall document on the form prescribed by this Department, that the conditions for placement prescribed by this Section have been met.

e) The supervising agency shall reassess the appropriateness of the relative home placement on an on-going basis and at least prior to each administrative case review or at any point the supervising agency

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

has reason to believe the relative caregiver can no longer safely or adequately care for the children. Appropriateness is determined by the extent to which the home is in compliance with the conditions described in subsections (b) and (c) above and by an evaluation of any continued safety of the children, including an evaluation of any pending criminal charges against any adult members of the household.

f) The Department may, after providing notice as required by 89 Ill. Adm. Code 337, Service Appeal Process, move the child to another placement if the Department determines, based on the continuing safety and well-being of the child, the child's permanency goal, and the best interests or special needs of the child, that an alternative placement is necessary.

g) Only placements in licensed foster family homes receive the foster care payment rate. Relatives who care for children for whom the Department is legally responsible may, but need not, apply for licensure as Foster Family home in accordance with the requirements of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes.

When a relative is licensed under Part 402, the relative will receive the established foster care payment rate appropriate for the number and ages of foster children placed in care. Relatives who are unlicensed receive the child only standard of need.

(Source: Amended at 21 Ill. Reg. 13586, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

Heading of the Part: Accrediting Persons in the Practice of Medical Radiation Technology

- 1) **Code Citation:** 32 Ill. Adm. Code 401.
- 2) **Section Number:**
- 3) **Adopted Action:**
 - 401.10 Amendment
 - 401.30 Amendment
 - 401.60 Amendment
 - 401.70 Amendment
 - 401.80 Amendment
 - 401.100 Amendment
- 4) **Statutory Authority:** Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act [20 ILCS 40/5, 6, 7 and 36].
- 5) **Effective Date of Amendments:** September 25, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) **Date Filed in Agency's Principal Office:** September 24, 1997
- 9) **Notices of Proposed Published in Illinois Register:**
May 23, 1997, 21 Ill. Reg. 6156
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) **Difference(s) between proposal and final version:**
 - a) By inserting between lines 71 and 72, the following:
"Section 401.30 Exemptions"

- a) Nothing in the Act or this Part shall be construed to limit or affect in any respect, the practice of persons properly licensed under other statutes or regulations with respect to their professions.
- b) The Department shall, upon application therefor or upon its own initiative, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety.
- c) Exemptions shall include:
 - 1) A student enrolled in an approved program applicable to his/her profession who, as a part of his/her course of study, applies

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

ionizing radiation to human beings while under the direct supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation.

2) A person registered with the Department as a student-in-training in limited diagnostic radiography pursuant to Section 401.80(c) of this Part who applies ionizing radiation to human beings while under the supervision of a licensed practitioner, provided that the procedures performed shall be limited to the procedures as listed in Appendix F of this Part, applicable to the particular status condition of limited diagnostic radiography for which the student is registered. This exemption shall only apply to individuals who are registered with the Department and shall only apply for 16 months.

3) A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 (225 ILCS 60), the Illinois Medical Practice Act (225 ILCS 5/1), or the Podiatric Medical Practice Act of 1987 (225 ILCS 100), (420 ILCS 40/5)

4) A person employed as a dental assistant who performs dental radiography for a licensed dentist.

5) A technician, nurse or other assistant who performs radiography under the supervision of a person licensed under the Podiatric Medical Practice Act of 1987.

6) A person who holds Conditional Accreditation Type II issued in accordance with Section 401.100(d) of this Part during such time as that person is under the direct supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation for purposes of being instructed in the use of equipment and/or procedures other than those for which the person is currently accredited.

7) A nurse, technician, or other assistant who, under the supervision of a person licensed under the Medical Practice Act of 1987, administers radiation to human beings, but only when such administration is performed on employees of a business at a medical facility owned and operated by that business. (420 ILCS 40/6)''.

b) In Section 401.70(b)(1)(A), on line 178, by adding a closed parenthesis after "A" and deleting the dash before the word "the".

c) In Section 401.70(b)(2), (b)(3), (b)(4), on lines 178-197, by deleting the dash before the word "the".

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

- d) In Section 401.80(c), on line 260, by deleting the comma after the word "Mexico".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this proposed amendment replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This amendment will: (a) delete the limited radiography practical clinical examination option and require that the total examination be standardized and in written form; (b) clarify that employees who have unsuccessfully trained students in limited radiography may continue to provide training and instruction as long as the employee/student does not apply the radiation to human beings; (c) clarify that accreditation is required for persons, other than licensed practitioners, who apply radiation to humans in medical research; (d) change the reference for training program standards from the former Council on Allied Health Education Accreditation to the United States Department of Education; (e) change the continuing education requirement for persons who perform mammography from 8 to 10 hours of continuing education in mammography for each 24-month period; (f) require accredited technologists to advise the Department, in writing, of changes in name or address; (g) add a qualifying phrase in Section 401.30(c)(1) which conforms with nationally accepted standards of supervision and practice and correlates with the Department's definition of "direct supervision"; and (h) make formating changes to meet the requirements of the Joint Committee on Administrative Rules.

- 16) Information and questions regarding this adopted amendment shall be directed to:
- Thomas J. Carlisle
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 755-9844 (voice)
(217) 752-6133 (TDD)

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 401

ACCREDITING PERSONS IN THE PRACTICE OF MEDICAL RADIATION TECHNOLOGY

Section

Policy and Scope

401.10

Definitions

401.20

Exemptions

401.30

Application for Accreditation

401.40

Categories of Accreditation

401.50

Examination Requirements

401.60

Acceptable Examinations

401.70

Approved Examinations

401.80

Approved Program

401.90

Practice Licensure - Initial Licensure (Repealed)

401.100

Initial Issuance of Accreditation

401.110

Duration of Accreditation

401.120

Suspension and Revocation of Accreditation

401.130

Fees

401.140

Requirements for Renewal of Accreditation

401.150

Reciprocity

401.160

Additional Requirements for Radiographers Performing Mammography

401.170

Civil Penalties

401.180

Limited Diagnostic Radiography Procedures by Type of Limited Accreditation

401.190

Example Topics Directly Related to Radiologic Sciences Performing Mammography

401.200

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

APPENDIX G

APPENDIX H

APPENDIX I

APPENDIX J

APPENDIX K

APPENDIX L

APPENDIX M

APPENDIX N

APPENDIX O

APPENDIX P

APPENDIX Q

APPENDIX R

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

Section 401.10 Policy and Scope

- a) This Part establishes educational standards and an accreditation program applicable to persons who apply ionizing radiation to human beings. Specifically, this Part provides:
- 1) Minimum standards of preparatory education and experience for persons who apply ionizing radiation to human beings in the disciplines of medical radiography, nuclear medicine technology, radiation therapy technology and chiropractic radiography.
 - 2) Examination requirements for certain categories of accreditation.
 - 3) Continuing education requirements for renewal of accreditation to human beings for diagnostic, or therapeutic, or otherwise engages in the practice of medical radiation technology in this State unless specifically exempted by the Act or under Section 401.30 of this Part. This Part shall also apply to persons who are not appropriately licensed under other statutes or regulations and who supervise students engaged in instructing them while applying ionizing radiation to human beings.

- c) The Board may propose to the Department of Nuclear Safety such regulations as it deems appropriate for purposes of fulfilling the policy and scope of the accreditation program.

(Source: Amended at 21 Ill. Reg. 1356, effective _____)

Section 401.30 Exemptions

- a) Nothing in the Act or this Part shall be construed to limit or affect in any respect, the practice of persons properly licensed under other statutes or regulations with respect to their professions.
- b) The Department shall, upon application thereto or upon its own initiative, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety.
- c) Exemptions shall include:

- 1) A student enrolled in an approved program applicable to his/her profession who, as a part of his/her course of study, applies ionizing radiation to human beings while under the direct supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation.

- 2) A person registered with the Department as a student-in-training in limited diagnostic radiography pursuant to Section 401.80(c) of this Part who applies ionizing radiation to human beings while under the supervision of a licensed practitioner, provided that the procedures performed shall be limited to the procedures listed in Appendix A of this Part, applicable to the particular status condition of limited diagnostic radiography for which the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

student is registered. This exemption shall only apply to individuals who are registered with the Department and shall only apply for 16 months.

- 3) A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Mental Practice Act [225 ILCS 25], or the Pediatric Medical Practice Act of 1987 [225 ILCS 100]. [420 ILCS 40/5]
- 4) A person employed as a dental assistant who performs dental radiography for a licensed dentist.
- 5) A technician, nurse or other assistant who performs radiography under the supervision of a person licensed under the Podiatric Medical Practice Act of 1987.

- 6) A person who holds Conditional Accreditation Type II issued in accordance with Section 401.100(d) of this Part during such time as that person is under the direct supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation for purposes of being instructed in the use of equipment and/or procedures other than those for which the person is currently accredited.
- 7) A nurse, technician, or other assistant who, under the supervision of a person licensed under the Medical Practice Act of 1987, administers radiation to human beings, but only when such administration is performed on employees of a business at a medical facility owned and operated by that business. [420 ILCS 40/6]

(Source: Amended at 21 Ill. Reg. 1352^{1/2}, effective 1-1-87.)

Section 401.60 Examination Requirements

- a) Active - Persons who seek active status accreditation in medical radiation technology must pass a written examination as appropriate to the category of accreditation sought in accordance with Section 401.70 of this Part.
- b) Temporary - Persons who seek active status accreditation and are awaiting the successful completion of an examination in accordance with Section 401.70 of this Part may apply for and be issued temporary accreditation. Temporary accreditation shall be valid until the person has passed the appropriate examination and has applied for and been issued active status accreditation. In no case shall temporary accreditation be valid for more than two years from the date of issuance.

- c) Conditional - Examination shall not be required for conditional accreditation.

- d) Limited Diagnostic Radiographer-Chest - Persons who seek accreditation to perform radiography of the chest, but not any other parts of the body, must pass a written examination on general radiography topics.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

and a written or practical examination on chest anatomy and clinical skills required to perform radiography on the chest in accordance with Section 401.70(c) of this Part.

- e) Limited Diagnostic Radiographer-Extremities - Persons who seek accreditation to perform radiography of the extremities, but not any other parts of the body, must pass a written examination on general radiography topics and a written or practical examination on anatomy of the extremities and clinical skills required to perform radiography of the extremities in accordance with Section 401.70(c) of this Part.
- f) Limited Diagnostic Radiographer-Skull and Sinuses - Persons who seek accreditation to perform radiography of the skull and/or sinuses, but not any other parts of the body, must pass a written examination on general radiography topics and a written or practical examination on anatomy of the skull and sinuses and clinical skills required to perform radiography of the skull and sinuses in accordance with Section 401.70(c) of this Part.
- g) Limited Diagnostic Radiographer-Spine - Persons who seek accreditation to perform radiography of the spine, but not any other parts of the body, must pass a written examination on general radiography topics and a written or practical examination on anatomy of the spine and clinical skills required to perform radiography of the spine in accordance with Section 401.70(c) of this Part.

AGENCY NOTE: Persons may seek accreditation in more than one status condition of limited diagnostic radiography.

(Source: Step 2, _____)

Section 401.70 Acceptable Examinations

- a) The Department shall accept for issuance of active status accreditation examinations as identified by this Section. Accreditation shall be specific to the category of examination as specified in subsection (b) of this Section.
- b) Examinations as appropriate to category of accreditation are as follows:

- 1) Medical Radiography _____
- A) - The American Registry of Radiologic Technologists (A.R.R.T.), or AGENCY NOTE: Graduation from an approved program as set forth in Section 401.80(a) of this Part is a prerequisite for sitting for the A.R.R.T. examination.
- B) The American Registry of Clinical Radiography Technologists (A.R.C.R.T.) provided that the applicant passed the A.R.C.R.T. examination after January 1, 1991, and the applicant has graduated from an approved program as set forth in Section 401.80(a) of this Part.

- 2) Nuclear Medicine Technology

DEPARTMENT OF NUCLEAR SAFETY

(Source: Amended at 21 III. Reg. effective 13 May 1977)

卷之三

Section 401.80 Approved Program

- a) The Department shall base its approval of didactic and clinical education for Medical Radiography, Nuclear Medicine Technology, or Radiation Therapy Technology on the standards accepted by the United States Department of Education, Committee-on-Accredited-Higher-Education and Accreditation-TEACHARM. Specific information concerning these standards is available from the Joint Review Committee on Education in Radiologic Technology (JRCR), 200 North LaSalle Dr., Chicago, IL.

b) Further students-in-training provided the cumulative failure rate is reduced to less than 50 percent without two consecutive failures.

c) If the employer is not identified as the party responsible for training the student, the Department shall register an individual as student-in-training in the employer's practice only if the student is concurrently enrolled in a program that meets the minimum requirements for a training program in limited radiography established by the Joint

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

Review Committee on Education in Radiologic Technology, published 1997-98, by the Joint Review Committee on Education, 20 N. Wacker Drive, Suite 900, Chicago, Illinois 60606-2901. Students-in-training in Limited Diagnostic Radiography shall take the appropriate written or written and practical examinations not later than the eighth month of training. Students shall not perform radiographic procedures beyond the 16 months of training unless the required examinations have been passed.

- e) All approved training programs shall include an overview of the Radiation Protection Act of 1990, this Part and related application forms and procedures.

(Source: Amended at 21 Ill. Reg. 13596, effective _____)

Section 401.100 Initial Issuance of Accreditation

- a) The Department shall issue Active Status Accreditation in a category of medical radiation technology to persons who have passed an examination as indicated in Section 401.0(b) of this Part. Active Status Accreditation issued after January 1, 1988, shall be valid for two years from the date of issuance.
- b) The Department shall issue temporary Accreditation in a category of medical radiation technology and chiropractic radiography to persons who are awaiting an examination in accordance with Section 401.0(b) of this Part and have completed an approved program. Applicants for Temporary Accreditation must provide specific evidence of the intent to take such an examination, the category of examination to be taken, and the date on which the examination will be taken. Temporary Accreditation shall convey the same rights as the Active Status Accreditation for which the individual is awaiting examination. Temporary Accreditation shall be valid until such time as the individual successfully completes the appropriate examination and applies for and is issued Active Status Accreditation in accordance with subsection (a) of this Section, but in no instance longer than 24 twenty-four (24) months from the date of issuance for medical radiation technology and no longer than 12 twelve (12) months from the date of issuance for chiropractic radiography.

- c) The Department shall issue Conditional Accreditation Type I in a category of medical radiation technology upon determining that a community hardship exists. When making a determination of the existence of community hardship, the Department will consult Health Systems Agencies or County or Local Health Departments, and will evaluate the availability of alternative radiology services and trained personnel. In addition, the Department shall require the applicant's employer or prospective employer to demonstrate that applicant's qualified personnel, at competitive compensation, has been attempted and unsuccessful. Such demonstration can take the form
- d) The Department shall issue Conditional Accreditation Type II in a category of medical radiation technology to any person who, 24 twenty-four (24) months prior to July 1, 1989, was employed in medical radiation technology and who otherwise does not meet the qualifications for accreditation issued pursuant to this Section shall be valid for two years from date of issuance. Issuance shall be contingent upon submitting a written Statement of Assurance that the person is competent to apply ionizing radiation to human beings. A Statement of Assurance submitted to the Department in accordance with this Section shall specify the nature of the equipment and procedures which the individual is competent to utilize. The Statement of Assurance must be provided by a licensed practitioner under whose supervision the individual is employed or has been employed at some time within the last twelve months. Conditional accreditation which is issued pursuant to this Section shall be specific to the procedures and equipment indicated in the Statement of Assurance. An individual who is accredited in accordance with this Section may expand the accreditation to additional procedures and/or equipment by receiving training in accordance with Section 401.30(c)(3) of this Part. After such training, the individual may submit an additional Statement of Assurance from a licensed practitioner under whose supervision the individual is employed as to the additional equipment and procedures which the individual is competent to utilize. However, an individual may not become accredited pursuant to the provisions of this Section for equipment or procedures outside of those in the category of initial accreditation. Nothing in this Section should be interpreted to limit an individual's right to make application for and be issued Active Status Accreditation in accordance with subsection (a) of this Section. The Department shall not issue Conditional Accreditation Type II as provided by this Section after September 7, 1990. However, Conditional Accreditation Type II issued on or before September 7, 1990, is renewable in accordance with Section 401.140 of this Part.
- e) The Department shall issue accreditation in one or more areas of Limited Diagnostic Radiography to persons who have passed examinations as indicated in Section 401.70(c) of this Part. Such accreditation shall be valid for two years from the date of issuance.
- f) All persons who have received accreditation from the Department pursuant to the terms of this Section shall provide notice in writing to the Department of any permanent or temporary change in their

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

designated mailing address, or of any change in name due to marriage or for any other reason. Notification to the Department shall be made within 10 days after any such change. Failure of the accredited individual to forward such information to the Department, as required by this subsection (f), shall not be considered to be a valid cause for delaying any subsequent administrative proceeding involving the individual accredited individual nor excuse the accredited individual from complying with any other legal obligations from the laws and rules administered by the Department. See "Notice, Service and Proof of Service", 32 Illin. Adm. Code 200.5(a)(b).

(Source: Amended at 21 Illin. Reg. 13587, effective 13587)

Section 401.160 Additional Requirements for Radiographers Performing Mammography

- a) After September 18, 1992, in addition to meeting the accreditation requirements set forth in this Part, any medical radiographer who performs mammography shall have completed the required minimum initial training in mammography as identified in 401, Appendix C of this Part prior to performing mammography.
- b) A medical radiographer who performs mammography procedures shall engage in continuing education directly related to mammography at the rate of 10 hours within each 24 month period after meeting the initial mammography training requirement. Subjects identified in 401, Appendix C of this Part shall be considered directly related to mammography and may be utilized toward meeting the continuing education requirements of Section 401.140(b) of this Part.
- c) Programs, courses or other activities intended to meet the requirement for initial mammography training, or continuing education in mammography, shall be approved by the Department.
- d) Completion of initial mammography training, and continuing education in mammography, shall be verified to the Department.

AGENCY NOTE: For additional requirements for facilities who perform mammographic procedures see 36 Illin. Adm. Code 360.71.

(Source: Amended at 21 Illin. Reg. 13587, effective 13587)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED REPEALER

Assistance Standards

- 1) Heading of the Part: Assistance Standards
- 2) Code Citation: 89 Illin. Adm. Code 111
- 3) Section Numbers: 111.1, 111.10, 111.20
111.30, 111.40, 111.50
111.60, 111.70, 111.80
111.90, 111.101, 111.110
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Repealer: October 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Repealer contain incorporates by reference? No
- 8) Date Filed in Agency's Principal Office: October 1, 1997
- 9) Notice of Proposal Published in Illinois Register: July 7, 1997 [21 Illin. Reg. 8,901]
- 10) Has JCAR issued a Statement of Objections to this Adopted Repealer? No
- 11) Differences between proposed and final version: The proposed version of this rulemaking was published as a Notice of Proposed Amendments, although all of the text of the current provisions in Part 111 was being repealed. The adoption is now being published as a Notice of Adopted Repealer. This change eliminates the need to publish the text of the rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Repealer replace Emergency Amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: These amendments repeal the assistance standards that have been replaced by the new Temporary Assistance for Needy Families ("TANF") program, which was effective July 1, 1997. Recent State legislation requires complete restructuring of the Aid to Families with Dependent Children (AFDC) program. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED REPEALER

The TANF program, which is a key component of Public Law 104-193, is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for thousands of families to become employed. The TANF program also sets the stage for the new Illinois Department of Human Services to administer the welfare program effective July 1, 1997. Since the assistance standards in Part III will not be utilized under TANF, they are now being repealed.

16) Information and questions regarding this Adopted Repealer shall be directed to:

Joanne Jones

Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Garfield Avenue East, Third Floor
Springfield, Illinois 62763
217/524-0081

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Demonstration Programs

- | 1) Heading of the Part: | 2) Code Citation: | 3) Section Numbers: | 4) Statutory Authority: | 5) Effective Date of Amendments: | 6) Does this rulemaking contain an automatic repeal date? | 7) Do these Amendments contain incorporates by reference? | 8) Date Filed in Agency's Principal Office: | 9) Notice of Proposal Published in Illinois Register: | 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? | 11) Differences between proposal and final version: | 12) Have all the changes made upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? | 13) Will these Amendments replace Emergency Amendments currently in effect? | 14) Are there any amendments pending on this Part? | 15) Summary and Purpose of Amendments: These amendments are necessary to repeal the rules pertaining to demonstration programs that were |
|----------------------------|-----------------------|--|---|----------------------------------|---|---|---|---|--|---|--|---|--|--|
| Heading of the Part: | Code Citation: | Section Numbers: | Statutory Authority: | Effective Date of Amendments: | Does this rulemaking contain an automatic repeal date? | Do these Amendments contain incorporates by reference? | Date Filed in Agency's Principal Office: | Notice of Proposal Published in Illinois Register: | Has JCAR issued a Statement of Objections to these Adopted Amendments? | Differences between proposal and final version: | Have all the changes made upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? | Will these Amendments replace Emergency Amendments currently in effect? | Are there any amendments pending on this Part? | Summary and Purpose of Amendments: These amendments are necessary to repeal the rules pertaining to demonstration programs that were |
| 1) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 2) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 3) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 4) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 5) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 6) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 7) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 8) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 9) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 10) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 11) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 12) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 13) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 14) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |
| 15) Demonstration Programs | 89 Ill. Adm. Code 170 | 170.10
170.40
170.50
170.250
170.300
170.350
170.370
170.380
170.500 | Section 12-13 of the Illinois Public Aid Code [305 IACS 5/12-13] and Public Law 104-193 | October 1, 1997 | No | No | October 1, 1997 | July 7, 1997 (21 Ill. Reg. 8199) | No | No | Yes | No | No | |

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Operational under the Aid to Families with Dependent Children (AFDC) program. Since recent Federal and State legislation requires a complete restructuring of the AFDC program and it is being replaced by the new Temporary Assistance for Needy Families ("TANF") program, which was effective July 1, 1997, such demonstration programs are no longer needed. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The TANF program, which is a key component of Public Law 104-193, is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for thousands of families to become employed. The TANF plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These amendments repeal some demonstration programs in connection with the replacement of AFDC by TANF.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170

DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START

WELFARE REFORM DEMONSTRATION PROGRAM

Section 170.10 Youth Employment and Training Initiative (Repealed)
170.20 Paternal Involvement Project
170.30 Homeless Families Support Project
170.40 Family Responsibility Project (Repealed)
170.50 Income Budgeting Project (Repealed)

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section 170.100 The Career Advancement Program
170.110 Career Advancement Experimental and Control Groups
170.120 Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section 170.200 Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

SUBPART E: THE SCHOOL ATTENDANCE INITIATIVE

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section 170.250 Work Pays Demonstration (Repealed)	Family Accountability (Repealed)
170.350 Get a Job Initiative (Repealed)	170.360 Targeted Work Initiative ("TWI" Repealed)
170.370 Quarterly Reporting - Failure to Report	Employment Demonstration Project (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

170-390 Employment Plan Demonstration Project [Repealed]

SUBPART G: BIOMETRIC IDENTIFICATION DEMONSTRATION

Section 170-400 Retinal Scanning

170-410 Electronic Fingerimaging (AIMS) Demonstration

SUBPART H: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) DEMONSTRATION PROGRAM

Section 170-450 Young Parent Services South Home Visitor, Demonstration (Project Link)

SUBPART I: DATA/DPA SUBSTANCE ABUSE INITIATIVE

Section 170-500 DASA/DPA Substance Abuse Initiative [Repealed]

AUTHORITY: Implementing and authorized by Sections 4-1, 4-1.10, 4-8, 4-17, 11-20, 12-4, 28 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1, 4-1.10, 4-17, 11-20, 12-4, 28 and 12-13].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; emergency amendment at 19 Ill. Reg. 15567, effective November 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15889, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16314, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4333, effective February 29, 1996; amended at 20 Ill. Reg. 5665, effective March 20, 1996; amended at 20 Ill. Reg. 6029, effective April 12, 1996; amended at 20 Ill. Reg. 6517, effective April 29, 1996; amended at 21 Ill. Reg. 1239, effective January 15, 1997; amended at 21 Ill. Reg. 1700, effective January 21, 1997; amended at 21 Ill. Reg. 2230, effective February 1, 1997; emergency amendment at 21 Ill. Reg. 8620, effective ~~July 1, 1997~~, for a maximum of 150 days; amended at 21 Ill. Reg. 13801, effective

~~Off~~

SUBPART A: THE FRESH START WELFARE REFORM DEMONSTRATION PROGRAM

Section 170-10 Youth Employment and Training Initiative [Repealed]

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- a) The youth employment-and-training initiative is a four-year demonstration program of experimental design operated by the Department of Public Aid. The youth employment-and-training initiative is proposed as a youth component of JOBS--the purpose of the demonstration program is to determine if the mandatory participation of youth (14-to-28 years-old) in the JOBS program (see 80 Ill. Adm. Code 112-78 through 112-82) in the event of intergenerational welfare dependency will be broken. The primary focus is on education and training directly linked to high school graduation and employment.
- b) Selection Criteria
 The Department will randomly select for participation in the control or experimental groups of the youth employment and training initiative subjects who:
 1) Insisted on an ARBC grant; and
 2) Enrolled as students in the City of Chicago in a high school which has been selected as a test and/or as a control site; and
 3) 14-to-28 years of age.
 Participation Requirement
 Individuals randomly selected for mandatory participation in the demonstration program are subject to and must comply with the terms conditions and requirements of 80 Ill. Adm. Code 112-79 through 112-82; however, the provision of section 112-78(t) which exempts from JOBS dependent children under sixteen (16) who are not parents is not applicable. Additionally the provisions of Section 112-71(t)(1)-(3) which exempt from JOBS a dependent child age sixteen (16) through eighteen (18) in full-time elementary school attendance and a dependent child under the age of sixteen (16) are not applicable.
- c) Experimental and Control Groups
 The individuals selected pursuant to subsection (b) above must comply with JOBS requirements pursuant to subsection (c) above: individuals will be randomly assigned to one of the following groups:
 A) An experimental group which shall consist of those individuals who must comply with the requirements of subsection (c) above; or
 B) A control group which shall consist of those individuals who meet the criteria of subsection (c) above but are not mandated to comply with the requirements of subsection (c) above.
 1) Individuals selected pursuant to 80 Ill. Adm. Code 112-79 as long as the youth employment and training initiative is in effect; a person designated as an experimental or control group member rebates them designation for purposes of data collection and cooperation with JOBS requirements without good cause until be satisfied pursuant to 80 Ill. Adm. Code 112-79.
- d) Individuals selected for the experimental group who fail to refuse to cooperate with JOBS requirements without good cause will be removed from the experimental group.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 21 Ill. Reg. 1360, effective 11/1/11.)

Section 170.40 Family Responsibility Project (Repealed)

- a) The Family Responsibility Project is a four-year demonstration program operated by the Department of Public Aid. The purpose of the project is to demonstrate that authorizing two-parent families to qualify and have a income-Budgeting-project-and-family who have been denied APBEP-BP.
- b) Selection Criteria
- All two-parent families who qualify for APBEP-BP on the basis of income and assets are eligible for this demonstration except in Peoria County, Vermilion, McLean, Vermillion, Vermilion and Winnebago Counties. In those counties, participants will be randomly selected for participation.
- c) Participation Requirements
- Individuals who participate in the demonstration project are no longer subject to or must comply with the terms and conditions and requirements of APBEP-BP as listed in 09 Ill. Admin. Code 12A-147 unless they are in the control group or the Family Responsibility Project.
- d) Participants and Control Group
- Individuals in Peoria, Macomb, Pekin, and Winnebago Counties will be randomly assigned to one of the following groups:
- i) An experimental group which shall consist of those individuals who must comply with subsection (c) above or
- ii) A control group which shall consist of those individuals who meet the criteria of subsection (b) above but will not be mandated to comply with the requirements of subsection (c) above.
- e) As soon as the Family Responsibility Project is in effect, a person designated as an supervisor will be randomly assigned to control group members retains that designation for purposes of data collection even if that person's APBEP-BP eligibility changes or if he or she moves.

(Source: Repealed at 21 Ill. Reg. 1360, effective 11/1/11.)

Section 170.50 Income Budgeting Project (Repealed)

- a) The Income Budgeting Project is a four-year demonstration program of experimental design operated by the Department of Public Aid. The purpose of the project is to demonstrate that a combination of prospective and retrospective budgeting of earned income-encourage APBEP-recipients to find employment.
- b) Elements of the Income Budgeting Project
- i) When a recipients reports that he has begun employment and a

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

determination has been made that he remains eligible-for-APBEP-the-earned-income-shall-be-budgeted prospectively-for-the-first-two-months After-the-first-two-months-the-income-shall-be-budgeted retrospectively.

3) An adjustment for under-or overpayments which occurred during the first two months of prospective budgeting shall be made if a recipient reports and verifies that employment has ended budgeting of earnings shall end-within--first--month-of non-employment.

- c) Selection Criteria
- Participants in the Income Budgeting Project are in Rock Island County-Champaign County-in-Rock Island County
- i) In Rock Island County-the APBEP clients randomly selected by the Department for participation.
- d) Experimental and Control Groups
- Individuals will be assigned to one of the following groups:
- A) An experimental group which shall consist of those individuals who will be entitled to the elements of the Income Budgeting Project; or
- B) A control group in Rock Island County which shall consist of those individuals whom the criteria of subsection (a) above but will have earned income-budgeted under the Department's current budgeting method.
- e) As long as the income budgeting project is in effect a person designated as an supervisor of control group member retains that designation for purposes of data collection even if that person leaves the project area or stops receiving APBEP.

SUBPART D: EARNED INCOME INITIATIVE

Section 170.250 Work Pays Demonstration (Repealed)

- (Source: Repealed at 21 Ill. Reg. 1360, effective 11/1/11.)
- a) The Work Pays Demonstration Program of experimental design to be operated by the Department upon receipt of necessary funding of earned income-benefits-of-the-demonstration are implemented the financial incentive to work and become self supporting APBEP applicants and recipients are included in this demonstration except for those in Champaign and Lake Counties in those demonstration participants will be randomly selected for participation All APBEP applicants and recipients and who are assigned to the experimental group in Champaign and Lake Counties will be assigned to the experimental group and recipients and who are assigned to the experimental group in Champaign and Lake Counties will have eligibility and the level of assistance determined by budgeting earned

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- a+** income-in-excess-of-with-this-section:-those-case-in-Champaign---and
Lake-counties-assigned-to-the-control-group-will-have-a-eligibility-and
the-level-of-income---determined-by---a-budgeting---earned-income---and
expenditure-with-91-tilt-Admin-Code-112---Subpart-G---as-specified-for-the
control-group---Participants-in-the-Homes---Participate-Support-Project
Section-1167-BD-are-excluded-from-this-demonstration.
- b+** At the time of application for APBC---each employee-applied-with-be
entitled-to-990-BD-deduction-from-earnings---The remainder-earnings
either-budgetable-income---will-be-computed-to-the-payment-level-to
determine-eligibility.
- c+** For employed-receipts-only-available-income-will-be-compared-to-the
federal---poverty---level---to-determine-continued-eligibility---if
either-one-third-of-each-individual's-earnings---and-all-other
budgetable-income-will-be-deducted-from-the-family's-payment-level
- (Source: Repealed at 21 Ill. Reg. 13001, effective _____)

SUBPART E: THE SCHOOL ATTENDANCE INITIATIVE

Section 170.300 School Attendance Initiative (Repealed)

- e+** The Department is implementing a demonstration-to-improve-children's
attendance-in-elementary-school:
- b+** The demonstration will be available statewide where schools-and-social
service-networks-are-willing-to-participate-in-a-mutual-percentage-of
students-will-be-randomly-assigned-to-serve-as-a-control-group-for
purposes---of-the-driver-of-federal-requirements---these students-will
not-be-subjects-to-the-sanction-provisions-referred-to-in-a-subsection
(f)-of-this-section.
- f+** Participating-elementary-schools-will-identify-children-in-grades-one
through-six-who-receive-APBC-and-who-are-not-attending-school
regularity---as-defined-by-the-school---if-the-schools-and-address
the-fantists---problems-that-appear-to-be resulting-in irregular-school
attendance---they-will---refer-the-entities---to-participating-social
service-networks---the-fantists---with-be-notified-in-writing-of-the
referrals-and-the-consequences-for-non-cooperation-with-the-referrals
School-Services-Services-should-be-specifically-equipped-to-address-the
ensues-of-irregularity---at-no-cost-to-the-family-other-than-normal
ex-payment-under-existing programs.
- g+** Upon-referral-to-social-service-network-representative-will-assess-the
specific-family-situation---and-will-develop-a-service-plan-with-the
family-that-will-include-getting-the-child-to-regularly-attend-school
upon-future-of-the-family-to-cooperate-with-the-referrals-or-with-the
service-plan-as-determined-by-the-social-service-provider-the-family
will-be-notified-under-a-protective-payee-with-the-social-service
network-representative-acting-as-the-payee-for-the-family's-APBC
grant---the-provisions-of-99-tilt-Admin-Code-117-10-shall-otherwise

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- g+** The-protective-payee-will-remain-in-effect-until---the-family---follows
through-with-the-service-plan-as-determined-by-the-social-service
provider---the-protective-payee---as-determined-during-the-months
of-January---July-and-August-at-the-option-of-the-service-provider:
h+ If---protective-payee---plan-is-referred-to-in-a-subsection-(f)-of-this
Section---has-been-in-effect-for-at-least-three-months---and-the-child
continues-to-regularly-miss-school---as-defined-by-the-school---the
grantee's portion-of-the-APBC-grant-will-be-sanctioned---in-a
two-parent-household---if-the-grantee-is-participating-in-the-APBC---APB
program-or-is-sanctioned-for-another-reason-the-other-adults-duty---and
the-grant-will-be-sanctioned:
- i+** Sanctions-will-be-applied-during-the-months-of-January---July---and
August---except-in-the-case-of-year-round-schools
An-annual-fee---non-cooperation---will-be-applied-Support-Enforcement
Program-with-supersede-a-sanction-under-this-section:
- k+** An-annual-fee---non-cooperation---will-be-applied-Support-Enforcement
Program-with-supersede-a-sanction-under-this-section:
- (Source: Repealed at 21 Ill. Reg. 13001, effective _____)

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section 170.350 Family Accountability (Repealed)

- a+** Effective-January-17-1996---each-assistance-with-not-incomes-soley
benefits-of-the-birth-of-a-child-to-any-member-of-the-assistance-unit
that-each-assistance---shall-be-referred-at-the-pre-birth-payment-level
this-demonstration-will-be-tested-in-selected-local-offices-designated
as-research-sites---Based-in-the-research-area-will-be-assigned-to-experts
and-control-groups---Based-assigned-to-the-experimental
groups-shall-be-subject-to---the-family-accountability---Benefit
provisions---Medicaid---coverage---Food---stamps-and-child-care-are-not
included-in-the-exp.
- b+** Each-assistance-unit-not-increase-due-to-the-birth-of-a-child-to-any
member---of-the-assistance-unit-if-an-assistance-unit-is-empty
with-eligibility---requirements---or-an-assistance-unit---voluntarily
requests-termination-of-each-assistance---and-subsequently-becomes
eligible-for-each-assistance-within-nine-months
An-increase-in-the-payment-level-due-to-the-birth-of-a-child-to-any
member-of-the-assistance-unit---will-be---eligible---for-each
the-birth-state-pregnant-woman-who-became-eligible---for-each
assistance-during-the-pregnancy:
- c+** For-takes-active-as-of-January-1-1996-the-birth-occur-within
12-months-after-the-date-of-implementation---by-October-31
1996?
- d+** the-child-is-conceived-after-the-family-became-eligible-for

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS^S

cash-assistance--due-to-income-or-marriage--and--at-least--three payment--months--of--ineligibility--have--passed--before--any reapplication?

4) the--entitlements--born-while-the-parent-or-caretaker-relative--was--on cash--assistance--due-to-the-unit--did-not--receive-an-increase in--assistance--due-to-the-birth-of-their-child--and--the-parent--or other--caretaker--relative--has--been-off--cash-assistance--for-nine payment--months;

5) the--child--was--born--as--a--result--of--infect--or--fertility--tape--and--on--the--statement--of--the--woman--which--is--corroborated--by--a--third party--or--in--GSP-A--DBB--grant--who--became--a first-time-minor-parent;

6) the--child--is--including--all--children--in--the--case--of--multiple--births--was--born--to--minor--induced--in--an--APBC--grant--who--became--a first-time-minor-parent;

4) In--third-generation--assistance--units--if--the--minor--parent--in--the same--assistance-unit--requests--that--they--be--med--the--parent--or--former caretaker--relative--as--caretaker--relative--cannot--be--included--in--the minor--granted--assistance--unit--as--an--adult--in--these--units--and--the aid--that--is--provided--to--all--recipients?

(Source: Repealed at 21 Ill. Reg. 1360, effective 1-1-1-1.)

Section 170.360 Get a Job Initiative (Repealed)

a) The Department will operate GSP-A-DBB as a statewide demonstration for five-years beginning November 17-1995--Some areas will be designated as--research--sites--where--esees--will--be--randomly--assigned--to--an experimental--or--control--group--Clients--in--these--areas--not--in--the experimental--group--will--not--participate--in--GSP-A-DBB.

b) Selection of Participants

At--the--time--APBC--cash--assistance--(Category 6A-only)--is--approved--adults--who--are--not--exempt--from--participation--in--the--APBC--DBB--Program and--who--are--not--the--following--entitlements--will--be--assigned--to--GSP-A-DBB--Experiment--years--in--GSP-A-DBB--and--Code 132-21--apply--except--for responsibility--Nonexempt--adults--will--be--seized--if:

1) they--are--unemployed--or--employed--and--budgeted--gross--earnings--arc less--than--\$255--per--month?

2) their--youngest--child--is--age--five--through--12?--and

3) the--adult:

A) has--a--high--school--diploma--or--GSP?

B) has--been--employed--within--the--last--three--months?--or--has

C) is--receiving--Unemployment--Insurance--UII--Benefits--or--has received--UII--within--the--last--three--months?

c) APBC-DBS--Orientation--and--Assessment

2) At--application--potential--GSP-A--DBB--participants--will--be identified--during--the--APBC--eligibility--interview--the--

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS^S

eligibility--worker--will--inform--the--client--about--the--APBC-DBBS program--and--services--GSP-A-DBB--participation--requirements--and available--supportive--services--GSP-worker--will--provide--the client--with--information--and--forms--needed--to--begin--participation in--GSP-A-DBB;

2) The--determination--that--the--client--meets--the--selection--criteria of--supportive--services--constantes--the--initial--APBC-DBBS assessment--for--GSP-A-DBB--and--the--evaluation--of--the--need--for--an--arrangement of--supportive--services--participants

assessment--for--GSP-A-DBB--participants

3) Participants--will--not--be--approved--for--education--or--training programs--while--A--DBB

Participation Requirements

1) At--attend--scheduled--monthly--job--search--meetings?

2) B) attend--scheduled--monthly--job--search--meetings?

3) C) make--good--faith--effort--to--complete--a--employer--contracts each--month?

4) D) accept--a--bona-fide--offer--of--suitable--employment--and

5) E) maintain--employment--and--not--voluntarily--resign--earns--?

Participants--will--remain--in--GSP-A-DBB--for--six--months--or--until they--have--budgeted--earnings--of--at--least--\$255--per--month--whatever comes--first?--Noneempt--participants--will--then--be--reassigned--to other--APBC-DBS--components--essions--are--available?

4) Participants--will--be--provided--to--assist--participants--in--their job--search?

5) B) participant--will--receive--a--monthly--job--search--allowance--of \$250--to--cover--the--costs--of--traveling--expenses--and--meet--the--selection criteria?

6) C) supportive--services--will--be--provided--to--assist--participants--in--their job--search?

7) D) participant--will--receive--a--monthly--job--search--allowance--of transportation--stamps--expenses--etc--No--additional--payment--for these--costs--will--be--allowed.

2) Payment--for--child--care--and--initial--employment--expenses--will--be provided--as--needed--within--the--limits--stated--in--GSP-112-Adm--Code 132-22?

Sanctions

1) G) Sanction--will--be--imposed--with--participants--who--fail--to--meet participation--requirement--face--GSP-112-Adm--Code 132-77?

2) When--sanction--is--unsuccessful--the--following--penalties--will--be--applied:

A) First--sanction--the--participant--needs--will--be--removed from--the--grant--until--the--participant--agrees--to--co-operate;

B) Second--sanction--the--participant--needs--will--be--removed from--the--grant--until--the--participant--agrees--to--co-operate or for--three--months--whichever--ever--is--longer;

C) Third--sanction--the--participant--needs--will--be--removed from--the--grant--until--the--participant--agrees--to--co-operate or

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

for six months; whenever is longer;

B) Fourth (or -more)-Sanction ---The entire grant will be discontinued until the participant agrees to cooperate or discontinues until the participant agrees to offer or refuse a benefit offered by the agency; and if the participant becomes employed for three months whenever comes first; this action is independent of the four levels of this Session; it does not count in the progression or change the order of these four sanctions.

(Source: Repealed at 21 Ill. Reg. 1001, effective 1/1/11.)

Section 170.370 Targeted Work Initiative (TWI) [Repealed]

Demonstration Status

The Department will operate the Targeted Work Initiative (TWI) as a statewide demonstration for five years beginning December 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas who are not in the experimental group will not participate in the TWI.

Selection of Participants

ABE will assign recipients whose youngest child is age 13 or older shall be required to participate in TWI and must seek and accept employment as part of the ABE-JDBS Program unless the recipient has earned income or is exempt for one of the following reasons: (Other ABE-JDBS exemption reasons listed in 99 Ill. Adm. Code 117-1 do not apply to the adult population.)

1) For temporary ill or chronicity ill:

An individual is temporarily ill when determined by the local office or on the basis of medical evidence (for example a statement from a medical provider) or on another sound basis that the fitness of the individual from emerging in employment or participating in JDBS. A sound basis for exemption from JDBS on a temporary basis includes but is not limited to: the observation of an east or broken arm or the right provides information on a scheduled surgery or resumption from surgery; minor ailments and injuries such as colds, broken fingers or dashes are not serious enough normally to exempt the individual under this criterion.

B) An individual is chronically ill or hospitalized as determined by the local office when a physician or licensed or certified psychologist finds that a physical or mental

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

impairment either by itself or in conjunction with age or other factors prevents the individual from engaging in employment or participation in JDBS. This includes a 90-day period of recuperation after discharge:

E) When an individual is determined to be chronically ill or hospitalized further action is taken by the Department to establish a date as to when the condition warranting the exemption is expected to end or upon release review the individual continues to be exempt under the same procedures as for the initial determination of exemption with appropriate notice to the individual that the reevaluation is necessary:

2) The recipient provides full-time care for another household member due to that person's medical condition or incapacity:

E) Nine month Receipt of Cash Assistance

E) 1) Receipt of cash assistance by TWI participants shall be limited to 24 months. Months in which the participant has earnings or is excepted do not count toward the 24-month limit.

2) Beginning with the first month of the 24-month eligibility period the addition to the household of a child under age 13 or the birth of a child more than 9 months later shall not extend the 24-month period of eligibility.

3) After reaching the 24-month limit the participant shall be ineligible for cash assistance for a period of 24 months when the participant is off ABE cash assistance for 24 consecutive months for any reason the 24-month period of eligibility will start over.

E) Participation Requirements

B) During the 24-month eligibility period participants must cooperate with the requirements of the ABE-JDBS Program as described in 99 Ill. Adm. Code 117-7. Participants who fail to cooperate shall be subject to sanctions:

E) Sanctions

E) Sanctions are imposed on participants who fail to meet participation requirements without good cause (see 99 Ill. Adm. Code 117-7) with attempts to assist the participant in successfully meeting the following penalties will apply:

A) First Sanction ---The participant needs to be removed from the grant until the participant agrees to cooperate or for three months whichever is longer.

B) Second Sanction ---The participant needs to be removed from the grant until the participant agrees to cooperate or for three months whichever is longer.

C) Third Sanction ---The participant needs to be removed from the grant until the participant agrees to cooperate or

DEPARTMENT OF PUBLIC AID

Participants...shall...be...provided...all
Supportive-Services
coverage-for-participants

deserted--in-09-1117-Adm-God--1117847
Source: Repealed at 21, III. Reg. effective
1 Oct 1,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 170.380 Quarterly Reporting - Failure Demonstration Project (permitted)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

payment-month--this-amount-is-subtracted-from-the-payment-level-for-an assistance-unit-of-expensible-items--If-the-difference-is-\$0-or-more the-client-is-eligible-for-a-supplemental-payment---the-amount-of-the-difference payment-the-client-is-eligible-for-the-amount-of-the-difference

client--who-appropriates-an-increase-in-income--above-the-amount anticipated--will-not-be-eligible-for-an-overpayment-based-on-the received-income?

As-intake-amount-of-income received-in-the-initial-Period-Beginning-the first-regular-fitPAY-period-will-be-determined-the-fitPAY-amount--the remaining:

k) When-the-completed-quarterly-report-is-received-the-Department-will determine-if-eligibility-continues-and-process-any-adjustments-to-the payment--the-Department-will-notify-the-client-as-to-any changes-in-the-payment-and-the-reason-of-changes-for-the-change--if the-fitPAY-grant-is-being-reduced-or-terminated-as-a-result-of information-contained-in-the-report--the-notification-will-be-mailed to-the-client-not-later-than-the-payment-on-the-day-the-payment-would-have arrived?

l) If-the-Department-does-not-receive-the-quarterly-report-or-receives only-an-incomplete-report-ABBG may-be-terminated--The-Department must-send-the-client-a-letter-of-the-reason-to-arrive-not-earlier-than the-date-the-payment-would-have-been-made-if--the-Department-had received-an-eligible-report-on-time--if-the-client-has-found fittings-for-a-grant-less-than-that-of-the prior-month the-Department-will-promptly-notify-the-client-of-the-fitPAY-audit hearing--and-the-right-to-have-assistance-reinstated--If-a-hearing-is requested-on-or-before-the-date-of-change-or-within-ten-calendar-days after-the-date-of-noticing-whichever-is-later--assistance-will-be reinstated-to-the-level-of-the prior-month

m) If-a-completed-report-form-is-received-by-the-end-of-the-first-payment month-of-the-client's income-period--the-report-form-must-be-used-to determine-eligibility--eligibility-for-the-month-of-receipt and-the-third-month-fitPayable-will-be-determined---Eligibility will-be-determined--if-eligible-as-the-fitPayable--earned--none disregards-will-be-allowed-for-the-entire-three-month-period--

- n) If-a-completed-report-form-is-received-after-the-last-examdar-day-of the-first-payment-month-of-the three-month-period-for-which-the-report is-used-to-determine-fitPayable--eligibility-for-the-month-of-receipt and-the-third-month-fitPayable-will-be-determined---Eligibility for-a--cash-payment--for-the-first-payment-month--of-the three-month period--will-not-exist--the-client-will-be-titled-all-the-applicable earned-income-disregards-for-those-months--for-which-the fitPayable-is-determined?
- o) ABG--estimates--relatives--who-are-required-to-fit-quarterly explanation--of-their--requirements-and-be-informed-of-the due-date-for the-first-report?
- p) For-all-applicants-and-recipients--except-for-those-in-control--cases

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

in--Auburn--Park-and-Wittmann-one-vehicle--regardless-of-its-value will-be-disseminated-for-purpose-of--determining-the-eligibility--or cash grant-amount-of-the-APBC-unit.

(Source: Regulated at 21 Ill. Reg. 1300, effective [REDACTED])

Section 170.390 Employment Plan Demonstration Project [Repealed]

- a) The-Department-shall-advertise-every-applicant-and-recipient-of; in the requirement-that-eligible-recipients-move-toward-self-sufficiency and the value-and-benefits-of-employment;
- b) An-conditions-of-eligibility-for-the-entire--assistance--adult applicants--must-prepare-and-sign-and-submit-a-personal-plan-for-achieving employment--Active-adult-recipients-who-hove-not-Previously prepared signed--and-submitted-a-personal-plan-for-receiving employement-must-do so--Bepartment-staff--will-assess--each-client-in completing-the plan if-the-client-request-a-assistance--His-condition-of-eligibility applies-to-all-adult-applicants-and-recipients--of--cash-assistance caser-exists-only-if-the applicant-for-not-completing-the-plan--Good hours-per-week;
- c) The-employment-plan-form-includes-the following:
- i) Job-hobbies;
- ii) Job-preferences--and
- iii) Job-search-plan;
- d) His-Service-Provider--all-ABPC-applicants-and-recipients-except--for those-in-cases-designated-as-control-cases-in-research-sites;

(Source: Repealed at 21 Ill. Reg. 1300, effective [REDACTED])

SUBPART I: DASA/DPA Substance Abuse Initiative [Repealed]

- a) All-designated-adult-NPC-R-and-APBC-U-subjectsiving-in-demonstration projects--(Kenwood--Oakland--Pilsbury--Parishville--Waukegan) identified--as--an-alcohol-or--substance-abuse-problem--tee--77 fifth-Adm-Guide--28089-Alcoholics-and--Substance--Abuse--Treatment--and Intervention--Program--must--participate--in-an-alcohol-or--substance abuse-treatment-program-as-a-condition-of-eligibility--unless--the adult--is--employed--30--hours--per--week--or--one--APBC-cases--in--the demonstration-project-area-are-estimated--to--approximately--or--control groups--provided-in-the-experimental--cases-meeting-the-criteria--are subject--to--this policy?

- b) For-all-applicants-and-recipients--except-for-those-in-control--cases

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

~~abuse--treatment--program--when--there--is--a--currently--available--treatment
site--with--result--in--progressive--sanction--or--sanctions--for--the--adult?~~

1) First--sanction--for--the--adult--is--deleted--from--the--each--grant--unit;

2) Second--sanction--for--the--adult--is--deleted--from--the--each--grant--unit--for
three--months--or--until--cooperation--as--defined--by--BhSA--whichever
is--longer;

3) Third--and--fourth--sanctions--The--adult--is--deleted--from--the--each--
grant--for--six--months--or--until--cooperation--as--defined--by
BhSA--whichever--is--longer;

c) Supportive--services--will--be--provided--to--enable--the--client--to
participate--in--the--alcohol--or--substance--abuse--treatment--program;

d) Adults--in--the--experimental--easier--who--must--participate--in--an--alcohol--or
substance--abuse--treatment--program--as--a--condition--of--enrollment--are
BES--mandatory--For--these--individuals--the--exemption--entitled--listed
in--Section--242--do--not--apply

e) The--provisions--of--this--Section--are--subject--to--receipt--of--federal
waivers;

(Source: Repealed at 21 Ill. Reg. 132(2), effective
1/1/1997)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Heading of the Part: General Administrative Provisions

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 101
- 3) Section Numbers: Adopted Action: 101.20 Amendment 101.30 Amendment 101.40 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: October 1, 1997
- 6) Does this rulemaking contain an automatic review date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 1, 1997
- 9) Notice of Proposal Published in Illinois Register: July 7, 1997 (21 Ill. Reg. 82(2))

- 10) Has CAR issued a Statement of Objections to these Adopted Amendments? No

- 11) Differences between proposed and final version: Several changes have been made in the text of the proposed amendments.

Section 101.20

- In the definition for "Financial Assistance," "and food stamp benefits are" has been changed to "and food stamp benefits are".

- In the definition for "Mang (C)," "one or more dependent children" has been changed to "one or more dependent children".

- In the definition for "Migrant Worker," "agricultural" has been changed to "horticultural".

- The new definition for "Work and Basic Skills Training Program" has been changed to "The Department's employment and training program for TANF recipients."

Section 101.30

- In subsection (b)(2), "one or more dependent children" has been changed to "one or more dependent children."

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

In subsection (c)(1), "no other dependent children" has been changed to "no other dependent children".

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes, cited upon by the agency and JCAR been made as indicated in the Agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: Recent federal and state legislation requires a complete restructuring of the aid to families with Dependent Children (ADC) program. A state plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program, which is a key component of Public Law 104-193, is designed to help needy families become self-supporting, strengthen family life, and reduce the instances of economic dependence in Illinois families. The program builds upon proven State initiatives that have dramatically reduced welfare in Illinois in recent years and provided the impetus for thousands of families to become employed. The TANF program also sets the stage for the administration of the welfare program by the new Illinois Department of Human Services, effective July 1, 1997. These proposed administrative provisions make changes in the definitions and other general administrative provisions concerning the TANF program.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 101

GENERAL ADMINISTRATIVE PROVISIONS

Section 101.1 Incorporation By Reference

101.10 Applicability

101.20 Definitions

101.40 Assistance Program Restrictions

AUTHORITY: Implementing Articles I and II and authorized by Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/Arts. I and II) and 12-131.
 SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 5, p. 194, effective January 23, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 19, p. 108, effective May 1, 1978; for a maximum of 150 days; amended at 2 Ill. Reg. 25, p. 50, effective June 24, 1978; amended at 2 Ill. Reg. 33, p. 27, effective August 17, 1978; amended at 3 Ill. Reg. 43, p. 186, effective October 15, 1979; emergency amendment at 4 Ill. Reg. 78, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 21, p. 80, effective May 1, 1980; for a maximum of 150 days; amended at 5 Ill. Reg. 10072, 10076 and 10079, effective October 1, 1981; amended at 5 Ill. Reg. 1278, effective November 1, 1981; codified at 7 Ill. Reg. 5193; amended at 13 Ill. Reg. 3879, effective March 17, 1989; emergency amendment at 19 Ill. Reg. 10220, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15676, effective November 3, 1995; emergency amendment at 21 Ill. Reg. 8638, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15676, effective _____.

Section 101.20 Definitions

"AABD." Aid to the Aged, Blind or Disabled--financial assistance and medical assistance available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration.

"Adequate Consideration." The receipt of goods, monies or services at least in the amount of the fair market value of the property sold.

"Adverse Cases." A case in which no child is included in the assistance unit.

"Adverse Action." Any action which reduces food stamp benefits or

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

terminates participation in the food stamp program within a certification period.

"APFC," Aid to Families with Dependent Children—financial assistance and medical assistance available to families with one or more dependent children or in behalf of dependent children placed in foster care by the Department of Children and Family Services (DCFS).

"APDC-2": Medical Assistance for an eligible child under DCFS guardianship.

"APB-E-H": Based-on-the-deathy-absence-or-incapacity-of-a-parent-

"APB-E-U": Based-on-unemployment-of-parent-

"Agency Error": An action or inaction of the Department resulting in assistance benefits being furnished to or in behalf of a client for which the client is not eligible.

"Applicant": An individual requesting assistance by completion of a signed, written application form or a person in whose behalf a signed written application form is completed requesting assistance.

"Application": A request for assistance by means of a completed, signed designated form. For food stamp purposes, only a name, address and signature are needed on the form.

"Assistance Unit": The individual or individuals living together for whom the Department determines eligibility and, if eligible, provides financial and/or medical assistance as one unit.

"Caregiver": A relative, as specified below, with whom a child must live to be eligible for TANF APB and who is providing care, supervision and a home for the child.

Blood or adoptive relatives within the fifth degree of kinship:

Father - Mother

Brother - Sister

Grandmother -

Grandfather (including up to Uncle - Aunt (including up to great-great) Nephew - Niece (including up to great-great) First Cousin

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

First Cousin once removed (child of first cousin)
Second Cousin (child of great-aunt/uncle)

Step-Relatives:

Step-Father - Step-Mother

Step-Brother - Step-Sister

Person who is or has been married to one of the above relatives.
"Categorical Assistance Programs": TANF APBE, APBD and related WANG programs.

"Categorically Eligible": The meeting of all eligibility requirements for a categorical assistance program other than financial needs.

"Certification for Food Stamps": Authorization of eligibility of a household for the food stamp program.

"Certification Period": The period of time for which a household is authorized to participate in the food stamp program.

"Certifying Office": The IDPA local office or General Assistance unit office responsible for certification of food stamp program participants.

"Child and Family Assistance Case": A General Assistance case in which case eligibility is based on pregnancy or the presence of an eligible child.

"Client": The adult in the family of unit applying for assistance or receiving assistance on behalf of the family An--epitent--or recipient.

"Client Error": A client's mistake, misunderstanding, misrepresentation or concealment of information or failure to report information promptly which results in financial and/or medical assistance being paid to or in behalf of a recipient for which the recipient is not eligible.

"Correspondent": A specific individual who has been legally designated to handle the affairs of another individual, that is, Parents, court appointed guardian or conservator.

"Coupon Allotment": The total dollar value of the food stamp coupons that a household is authorized to receive.

"DCFS": Illinois Department of Children and Family Services.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

"Department." The Illinois Department of Public Aid.

"Dependent Child." A child age 18 or under who is living with a relative depicted in "whole or in part-of-parents-support-or-care-by reason-of-death-of-a-parent-the-incapacity-of-a-parent--continues absence--of-a-parent-or-parents-or-the-unemployment-of-a-parent. If age 18, the child must be a full-time high school (or equivalent) student expected-to-complete-the-program-before-reaching-age-19.

"Disbursing Order." An invoice voucher form given to a client authorizing a vendor to provide specified goods and/or services.

"Disposition of an Application." The determination of eligibility or ineligibility.

"Diverted Income." Earned or unearned income of a parent used to meet the needs of ineligible person or persons, including the parent, their dependent child or children or their spouse.

"DMHDD." Illinois Department of Mental Health and Developmental Disabilities.

"DOC." Illinois Department of Corrections.

"DOL." Illinois Department of Labor.

"DORS." Illinois Department of Rehabilitation Services.

"Earmarked Income." Income restricted for the use of an individual by court order or by legal stipulation of a contributor. Only income of a child may be considered earmarked for departmental purposes. The income of an eligible child who has siblings in the home receiving TANF AFPS financial assistance cannot be earmarked.

"Earned Income." Remuneration derived through the receipt of wages or salary for services performed as an employee or profits from activity in which the individual is self-employed.

"Effective Date." The date for which case action is authorized.

"Enrolled WANG Participant." Person or unit meeting the nonfinancial factors of eligibility.

"Established Twelve-Month Period." The period of 12 calendar months over which income is compared to the applicable WANG standard.

"Expedited Issuance." Authorization of food stamp benefits after the household has been determined to be destitute or to have zero net

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

income.

"Expedited Service." An immediate processing of a food stamp application and determination of eligibility for expedited issuance.

"FCS."

"Food and Consumer Service of the United States Department of Agriculture.

"Final Administrative Decision." A decision made by the Department as a result of an appeal. It either upholds or reverses the appealed action or determines a lack of jurisdiction.

"Financial Assistance." Public Assistance paid in the form of a cash benefit warrant to a recipient for income maintenance needs. Medical assistance and food stamp benefits are not considered financial assistance.

"Financial Factors of Eligibility." Income, assets and Department levels standards of assistance.

"Financially Eligible." The meeting of all financial factors of eligibility.

"Fiscal Month." Begins on a given day in one calendar month and ends on the day prior to the same given day in the next calendar month.

"Food Coupons." Same as food stamp.

"Food Stamp Benefits." The cash value of benefits amount-of-coupons which a food stamp unit household receives from the program.

"Food Stamp Employment and Training." Employment and training program for food stamp recipients.

"Food Stamp Household or Unit." For purposes of the food stamp program, a household or unit is defined as any of the following:

An individual living alone;

An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others;

A group of individuals who live together and customarily purchase food and prepare meals together for home consumption or, because of their relationship, are required to qualify for food stamps as a unit.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

"Full-time Employment." Employment of 30 100 hours per week month or more.

"GA." General Assistance -- financial and medical assistance available to eligible needy families or individuals who are ineligible to receive assistance through a categorical assistance program or Federal Assistance Program.

"GA Community Work and Training Program." A program, applicable to GA outside the City of Chicago only, designed to increase employability of general assistance recipients through constructive work experience, adult education, vocational training and gainful employment.

"Grant." The total amount of a monthly financial assistance payment.

"Grant Cases." Public assistance cases authorized for financial assistance payments to the recipient.

"Head of Household." The person in whose name application is made for participation in the food stamp program. This person is normally the individual who is the household's primary source of income.

"Health Maintenance Organization (HMO)." Licensed by the Illinois Department of Insurance as a non-profit incorporated agency whose purpose is to provide preventive health care and medical services.

"Healthy Kids." Early and periodic screening, diagnosis and treatment services provided to children from birth through 20 years of age.

"Hearing." The actual presentation and consideration of the issue under appeal before a hearing officer of the Department.

"HIB." Hospital Insurance Benefits provided by Title XVIII of the Social Security Act (Medicare) (42 U.S.C. 1395 et seq.).

"Initial Prorated Entitlement (IPE)." Financial Assistance to cover the period from the initial point of eligibility (application for assistance or initial needs of a person being added to the assistance unit) through two days after the mailing date of the first regular monthly assistance warrant.

"In-Kind Income." Income received by or paid in behalf of an individual in a form other than money.

"Interim Assistance." Assistance furnished to or in behalf of an individual financed totally from State and/or local funds for basic maintenance needs and furnished during the period beginning with the month in which the individual filed an application for Supplemental

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Security Income (SSI) and for which such individual was found eligible.

"Intermediate Care Facility (ICF)." Provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long term illnesses or disabilities which may have reached a relatively stable plateau.

"Intermediate Care Facility for the Mentally Retarded (ICF/MR)." Provides primarily for ambulatory adults with developmental disabilities and addresses itself to the needs of mentally retarded persons with related conditions. Such facilities are for residents who have physical, intellectual, social and emotional needs.

"Job Training Partnership Act." Department of Public Aid's employment and training programs -- for AFDC recipients:

"JTPA." Job Training Partnership Act.

"Local Governmental Unit." Every county, city, village, incorporated town or township charged with the duty of providing public aid under General Assistance and County Veterans Assistance Commissions. Providing assistance to indigent war veterans and their families.

"Local Office." Department of Public Aid offices which serve clients living within a designated geographical area.

"Lump-Sum Payment." An extraordinary or non-recurring income payment received by a client.

"MAG." Medical Assistance Grant Cases -- medical assistance paid on behalf of a recipient of financial assistance.

"MANC." Medical Assistance No Grant Cases -- medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance.

"MANG(RABD)." Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind or disabled by the Department of Public Aid.

"MANG(C)." Medical Assistance to Needy Families with Dependent Children -- available to families with one or more dependent children who would qualify for TANF? AFDC on the basis of non-financial

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

"U.I." "Unemployment Insurance Benefits.

"Unearned Income." All income other than earned income.

"Utilization Control." Evaluation and review by the Department of a recipient's need for care facility, and certification of a patient's need for care by physicians, DHDD staff and Department of Public Health.

"Vendor Payment." Direct payment to vendors for items or services provided to clients.

"Work and Basic Skills Training Program." The Department's employment and training program for TANF recipients.

"Work Experience." A Department program which provides experience in a job.

(Source: Amended at 21 Ill. Reg. 1361, effective 1/3/61.)

Section 101.30 Assistance Programs

- a) The types of assistance programs administered by the Illinois Department of Public Aid include: financial assistance, medical assistance and food stamps.
- b) Financial assistance programs -- consists primarily of direct cash payments to recipients. The various financial assistance programs are:

1) Aid to the Aged, Blind or Disabled--State Supplemental Payment

2) Temporary Assistance for Needy Families Aid-to-Families-with-Dependent-Children

A7 For families with one or more dependent children.

B7 AFDC-subsidy--AFDC-R-and-AFBG-R+

+ AFDC-R
For Families-with-one-or-more-dependent-children--whose dependency--is--based--on--the--death--of--one--or--incapacity--of--a--parent--

+++ AFDC-Y
For Families--with--one--or--more--dependent--children whose dependency is based on the unemployment of one of the parents.

3) Refugee Resettlement Program (RRP) For refugees from any country.

4) Repatriate Program
For United States citizens and their dependents returned from a foreign country by the U.S. Department of State.

5) General Assistance (TANF AFPE or AABD).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

For individuals and families who do not qualify for assistance under the Aid to the Aged, Blind or Disabled (AABD)-State Supplemental Payment (SSP), Temporary Assistance for Needy Families (TANF) Aid-to-Families-with-Dependent-Children-(AFPE) or Federal Security Income (SSI) programs and who meet GA program requirements.

- c) Medical Assistance -- under which payments are made to medical providers for services provided to recipients.
- 1) Medicaid
For persons eligible for financial assistance under the AABD-SSP and TANF AFPE programs and for individuals not eligible for financial assistance but who meet the requirements of those programs for medical assistance only. This includes pregnant women of any age with no other dependent children who would be eligible for TANF AFPE or WANG (CR) if the child had already been born. Medicaid is provided under the AFDC-R program for children under DCF guardianship who have been placed in licensed foster care or in the home of a relative.
- 2) Healthy Kids
A preventative health program for all clients who are under 21 years of age and who are receiving AFDC, AABD, RRA, Ga., or MANG OR TANF. Through Healthy Kids, persons are given periodic screening examinations at certain ages from birth through age 20. The screening is to diagnose and treat health problems at an early stage.

- 3) General Assistance Medical
For persons receiving financial benefits under the GA program.
d) Food Stamps -- provides increased food purchasing benefits to recipients. Food Stamp benefits are available to individuals who meet the eligibility requirements of the Food and Nutrition Service of the U.S. Department of Agriculture in accordance with the Food Stamp Act of 1977 (7 U.S.C. 2017 et seq.).
e) Title IV-D -- attempts to collect child support payments from absent parents in behalf of children receiving assistance. The Department enlists the cooperation of the caretaker relative in identifying, locating and securing support from an absent parent or parents or putative father. Such support is subsequently paid directly to the Department.

(Source: Amended at 21 Ill. Reg. 1361, effective 1/3/61.)

Section 101.40 Assistance Program Restrictions

- a) An individual shall be eligible to receive financial assistance under only one of the following types of assistance programs at any one time:
1) Categorical Assistance (TANF AFPE or AABD),

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- b) General Assistance, or
 3) Assistance to refugees, Entrants and Repatriates.
- b) An individual shall be eligible to receive financial and medical assistance in only one case under one assistance program, at any one time, except:
- 1) An individual who currently receives Categorical Assistance from another State and has established Illinois residence (in accordance with 89 Ill. Adm. Code 112.20, 113.20, 114.20, 120.211, 120.311, or 121.21) may receive Supplemental Categorical Assistance in Illinois when the amount of the Illinois assistance payment level to which the individual is entitled exceeds the amount received from the other State, if the excess is at least \$10.00.
 - 2) An individual who is currently receiving General Assistance shall be eligible to receive GA during the pendency of an application for Categorical Assistance or to receive the difference between the amount of the GA grant and the amount of the Categorical grant for the month in which the individual is determined eligible for Categorical Assistance.
 - 3) A--pregnant--woman--who--is--receiving--medical--assistance--MAY--also--receive--a--General--Assistance--grant--if--otherwise--eligible--for--a--relatively--non--licensed--for--foster--care--MAY--receive--medical--assistance--under--APFC--P--and--financial--assistance--under--APFC--R
 - c) An individual shall not be eligible to receive food stamps as a member of more than one household at any one time.

(Source: Amended at 21 Ill. Reg. 1332, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Numbers: 153.100
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: October 1, 1997
- 6) Does this rulemaking contain an automatic fiscal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: October 1, 1997
- 9) Notice of Proposal Published in Illinois Register: June 27, 1997 (21 Ill. Reg. - 1840)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposed and final version: No changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: These amendments concerning payments for long term care services are necessary to implement the State's fiscal year 1998 budget plan which requires the continuation of current reimbursement levels.

The amendments also reassign the \$10 emergency dental services add-on which has been in effect since December 1, 1995. This add-on was necessary because the State's budget plan for fiscal year 1996 called for cost containment measures in several areas of the Department's medical assistance program and coverage for some optional Medicaid funded care, including dental services, was eliminated for recipients age 21 or over. However, coverage was restored for emergency dental services for adults in January 1997. Therefore, for nursing facilities, the Department is ressigning the \$10 emergency dental add-on to the per diem for care

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

planning, increasing the amount from \$.35 to \$.45. These changes regarding nursing facilities were adopted on August 22, 1997 and published on September 5, 1997, at 21 Ill. Reg. 12203. Additionally, the Department of Mental Health and Developmental Disabilities, which is responsible for the ICF/MR program, is reassigned the \$.10 emergency dental add-on to the per diem for prophyaxis treatment and periodontal services, increasing the amount from \$.30 to \$.40. These changes pertaining to ICF/MR facilities were proposed in 89 Ill. Adm. Code 144, and were published on May 16, 1997, at 21 Ill. Reg. 3042.

These amendments are not expected to result in any budgetary changes.

- 16) Information and illustrations regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 201 South Grand Avenue East, Third Floor
 Springfield, Illinois 62763
 Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153

LONG TERM CARE REIMBURSEMENT CHANGES

Reimbursement for Long Term Care Services
 Long Term Care Facility Rate Adjustment
 Quality Assurance Review (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V, and VI and Section 12-13 of the Illinois Public Aid Code 1305 ILCS 5/Arts. III, IV, V, and VI and 12-131 and implementing Article III of the Illinois Health Finance Reform Act 10 ILCS 225/Art. III.

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 1, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 1015A, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10425, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16881, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 1840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. [REDACTED], effective [REDACTED].

Section 133.100 Reimbursement for Long Term Care Services

- Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140, 144 and 147 for reimbursement of long term care services, effective January 18, 1994, reimbursement rates for long term care facilities (SNF/ICF and ICF/MR) and day training providers will remain at the levels in effect on January 18, 1994, except as otherwise provided in this Section.
 - The results of Inspection of Care (IOC) surveys for which the exit conference is completed prior to January 18, 1994, will be processed and reflected in facility rates effective with the annual nursing rate adjustment date. The reconsideration process which is provided for in 89 Ill. Adm. Code 147.100 remains in effect for these surveys and other surveys set forth in this Section.
 - Capital and support rates in effect on January 18, 1994, will be adjusted based on final audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.
 - Capital rates will be increased for major capital improvements in accordance with 89 Ill. Adm. Code 140.560(c) and (e).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- e) New facilities which are assigned median rates in accordance with 89 Ill. Adm. Code 140.560(b) will have rates recalculated based upon receipt of their first cost report and first IOC survey.
- f) Rates may change based upon an interim IOC conducted at the facility's written request for any facility which changed ownership no earlier than 90 days prior to and not later than January 18, 1994. The interim IOC request must include justification and documentation which supports one of the criteria set forth in 89 Ill. Adm. Code 147.150(d).
- g) Requests for interim IOCs received through January 18, 1994, will be processed for accordance with 89 Ill. Adm. Code 147.150(d).
- h) Interim IOCs may be conducted, at the Facility's written request, if there has been a change in the Medicaid census since the last IOC survey in accordance with 89 Ill. Adm. Code 147.150(d), except that the requirement that the request must be made within 180 days after the last IOC need not be met. The written request must contain documentation supporting the change in Medicaid census, if necessary, based upon significant reduction in the level of resident care for the health and safety concerns of residents.
- j) Any rate adjustments that result from an interim IOC conducted under this Section will have an effective date of the first day of the month following the exit date of the interim IOC.
- k) Requests for IOCs upon which rate determinations are based upon a Medicaid resident being transferred from a State operated developmental disabled facility to a community setting will be considered on a case-by-case basis.
- l) Fiscal year 1996 support rates may change based on the first cost report filed by new ownership reflecting six months or more of the new ownership's operation for any facility which changed ownership between July 1, 1992, and January 18, 1994. Only changes in ownership in areas length transactions between unrelated parties will be recognized for this rate change. The new support rate for those facilities will be calculated in accordance with 89 Ill. Adm. Code 140.560 and 140.561. Support rates for facilities which qualify under this exception will not be decreased by the provisions in this Section. The capital rates of facilities which changed ownership between July 1, 1992, and January 18, 1994, will not be subject to changes in the capital rate based on the provisions of 89 Ill. Adm. Code 147.571(b)(1), but can still be affected by the provisions of subsection (d) of this Section.
- m) For those for-profit facilities whose fiscal year 1994 capital rate does not include a real estate tax component because it is based upon a non-profit facility's cost report, effective July 1, 1995, the real estate tax component will be added to the capital rate based upon the fiscal year 1994 median real estate tax rate for the NSA in which the home is located.
- n) If a non-profit facility changes ownership on or after July 1, 1995,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- and the new owner is a for-profit facility, the real estate tax component will be added to the capital rate effective with the change of ownership as recognized by the Illinois Department of Public Health. The real estate tax component will be added to the fiscal year in which the real estate tax becomes effective.
- o) For those non-profit facilities whose fiscal year 1994 capital rate includes a real estate tax component based upon a for-profit facility's cost report, effective July 1, 1995, the real estate tax component of the capital report will be removed (unless the non-profit facility rents the home from an unrelated for-profit entity).
- p) If a for-profit facility changes ownership on or after July 1, 1995, and the new owner is a non-profit facility, the real estate tax component will be removed from the capital rate effective with the date of change in ownership as recognized by the Illinois Department of Public Health. The real estate tax component will not be removed for a non-profit facility that rents the facility from an unrelated for-profit entity.
- q) Rates may change based upon verification of the delivery or non-delivery of psychiatric rehabilitation services to individuals with mental illness residing in nursing facilities. Psychiatric rehabilitation services program reimbursement will be dependent upon the facility meeting all criteria specified in 89 Ill. Adm. Code 147.300 through 147.345.
- r) The flat per diem limit to ICF/MR to cover the cost of non-emergency dental services pursuant to 89 Ill. Adm. Code 147.275 and 147.300 will be increased from \$3.30 to \$4.30. An add-on-of-\$1.00 per-resident-day will be paid for emergency dental services-including services needed to treat an episode of acute pain-in-the-teeth-gums-or-palate-or-otherwise-damaged-teeth-of-any-other-problem-of-the-oral-cavity appropriately treated by a dentist—that requires immediate attention.
- s) Day training provider rates shall be increased by three percent for services provided on or after July 1, 1996.
- t) Effective for services provided on or after July 1, 1996, facilities which are located in an area which has changed geographic designation due to unique labor force factors shall have rates recalculated based upon the ceilings and norms of the newly designated geographic area. The add-on to the final nursing rate for care plans identified in 89 Ill. Adm. Code 147.205 will be increased from \$3.35 to \$3.55. Section shall be automatically repeated-effective-dane-307-1999.

(Source: Amended at 21 Ill. Reg. 130 R 3 E, effective 10/1/95)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1.) Heading of the Part: Medical Assistance Programs
- 2.) Code Citation: 89 Ill. Adm. Code 120
- 3.) Section Numbers: Adopted Action:
120.310
120.382
- 4.) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILLCS 5/12-13] and Public Act 89-525
- 5.) Effective Date of Amendments: October 1, 1997
- 6.) Does this rulemaking contain an automatic renewal date? No
- 7.) Do these Amendments contain incorporates by reference? No
- 8.) Date Filed in Agency's Principal Office: October 1, 1997
- 9.) Notice of Proposal Published in Illinois Register: March 7, 1997 (21 Ill. Reg. 2913)
- 10.) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11.) Differences between proposed and final version:

In the new language in Section 120.330(b), "Sections" has been changed to "Section".
No other changes have been made in the text of the proposed amendments.
- 12.) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13.) Will these Amendments replace Emergency Amendments currently in effect? No
- 14.) Are there any amendments pending on this Part? No
- 15.) Summary and Purpose of the Part: In accordance with Section 25 of Public Act 89-525, these amendments provide criteria for the protection of assets from Medicaid eligibility for persons who purchase and use insurance that meets requirements of the Long Term Care Partnership Program. Income generated by the protected assets must be considered for Medicaid eligibility. This rulemaking protects all assets of a person who purchases a policy with coverage equal to the average cost of four years of long term care in a nursing home provided that the person has received all of the qualifying benefit payments that are payable under

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

the policy. For other policies, the amount of assets equal to the sum of the qualifying benefit payments are protected provided that the person has received all qualifying benefit payments that are payable under the policy.

Currently, the Department disregards assets equal to the sum of qualifying insurance benefit payments made as a result of coverage under a Long Term Care Partnership Insurance Policy. These amendments establish that the assets will only be disregarded in an amount equal to insurance payments once all payments payable under the policy are made. The Department will also disregard all assets of a person who purchases one of these policies provided the coverage is equal to the average cost of four years of long term care services in a nursing facility and all payments under the policy have been made.

As a result of this rulemaking, unearned income will include any amount of interest earned from assets disregarded by 89 Ill. Adm. Code 120.382(a)(3) and (a)(4). In addition to previously exempted assets, the cash value of the following assets will also be disregarded:

1. The amount equal to the sum of qualifying insurance benefit payments made as a result of coverage under a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2018, provided that the person has received all of the qualifying benefit payments that are payable under the policy; and
2. All assets of a person who purchases a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2018, with coverage equal to the average cost of four years of long term care services in a nursing facility, provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy.

- 16.) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones

Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
217/544-0501

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120**MEDICAL ASSISTANCE PROGRAMS****SUBPART A: GENERAL PROVISIONS**

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.1	Incorporation By Reference	Section 120.10	Eligibility For Medical Assistance For Pregnant Women and For Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANGP) Program Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women	Section 120.11	Eligibility For Medical Assistance For Pregnant Women and For Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANGP) Program	Section 120.12	MANGP(AABD) Income Standard	Section 120.20	MANGP(C) Income Standard	Section 120.31	MANGP(P) Income Standard	Section 120.40	Exceptions To Use Of MANGP Income Standard	Section 120.50	AMI Income Standard (Repealed)	Section 120.60	All Cases Other Than Intermediate Care, Skilled Nursing Care, DHDD, DHDD Approved Community Based Residential Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy Cases in Intermediate Care, Skilled Nursing Care and DHDD - All Other Licensed Medical Facilities	Section 120.61	Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.63	Section 120.63	Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings	Section 120.64	Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANGP) Program	Section 120.65	Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements	Section 120.70	Recognized Employment Expenses	Section 120.71	Income From Work/Study/Training Program (Repealed)	Section 120.72	Earned Income From Self-Employment (Repealed)																																		
Section 120.70	Recipient Restriction Program	Section 120.71	Migrant Medical Program	Section 120.72	Aid To The Medically Indigent	Section 120.73	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program Beneficiary (QMB)	Section 120.74	Specified Low-Income Medicare Beneficiary (SLIB) Income Standard	Section 120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standard Hospital Insurance Benefits (HIB)	Section 120.76	Subpart E: Recipient Restriction Program	Section 120.77	Subpart F: Migrant Medical Program	Section 120.78	Subpart G: Aid To The Medically Indigent	Section 120.79	Elimination of Aid To The Medically Indigent	Section 120.80	Client Cooperation (Repealed)	Section 120.81	Citizenship (Repealed)	Section 120.82	Residence (Repealed)	Section 120.83	Age (Repealed)	Section 120.84	Relationship (Repealed)	Section 120.85	Living Arrangement (Repealed)	Section 120.86	Supplemental Payments (Repealed)	Section 120.87	Institutional Payments (Repealed)	Section 120.88	Foster Care Program (Repealed)	Section 120.89	Social Security Numbers (Repealed)	Section 120.90	Unearned Income (Repealed)	Section 120.91	Exempt Unearned Income (Repealed)	Section 120.92	Education Benefits (Repealed)	Section 120.93	Unearned Income Tr-Kind (Repealed)	Section 120.94	Earned Income (Repealed)	Section 120.95	Lump Sum Payments and Income Tax Refunds (Repealed)	Section 120.96	Protected Income (Repealed)	Section 120.97	Earned Income (Repealed)	Section 120.98	Budgeting Earned Income (Repealed)	Section 120.99	Exempt Earned Income (Repealed)	Section 120.100	Recognized Employment Expenses	Section 120.101	Income From Work/Study/Training Program (Repealed)	Section 120.102	Earned Income From Self-Employment (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section	Treatment of Trusts
120.347	Lump Sum Payments and Income Tax Refunds
120.350	Protected Income
120.355	Earned Income
120.360	Budgeting Earned Income
120.361	Except Earned Income
120.362	Earned Income Disregard - MANG(C)
120.363	Earned Income Exemption
120.364	Exclusion From Earned Income Exemption
120.366	Recognized Employment Expenses
120.370	Income from Work/Study/Training Programs
120.371	Earned Income From Self-Employment
120.372	Earned Income From Roomer and Boarder
120.373	Earned Income in Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.384	Spend-down of Assets (MANG)
120.385	Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386	Property Transfers Occurring On or Before August 10, 1993
120.387	Property Transfers occurring On or After August 11, 1993
120.390	Persons Who May Be Included in the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For ADC/APDC-MANG and Children Born October 1, 1983, or Later (MANG(P) Program)
120.392	Pregnant Women Who Would Not Be Eligible For ADC/APDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
120.393	Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395	Payment Levels for MANG (Repealed)
120.399	Redetermination of Eligibility

TABLE A
Value of a Life Estate and Remainder Interest
Life Expectancy

AUTHORITY:	Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Acts. III, IV, V and VI and 12-13].
SOURCE:	Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134; effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg.

120.338	Incentive Allowance
120.340	Unearned Income in-Kind
120.342	Court Ordered Child Support Payments of Parent/Step-Parent
120.330	Unearned Income Numbers
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Foster Care Program
120.327	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.338	Medicaid Qualifying Trusts

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 38 p. 182, effective July 1, 1979; for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 319, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 49, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 77, p. 181, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 249, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 79, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 80, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 1, 1981; amended at 5 Ill. Reg. 113, effective January 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8001, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 6, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10111, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 1167, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 1, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982; for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective October 1, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6612, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982; for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8189, effective July 1, 1982; amended at 6 Ill. Reg. 10797, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8266, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5533, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985; for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 16, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12288, effective July 25, 1985; amended at 9 Ill. Reg. 12821, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16305, effective October 18, 1985; amended at 10 Ill. Reg. 10861, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 5066, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 11267, effective July 14, 1986; amended at 10 Ill. Reg. 15454, effective September 19, 1986; amended at 11 Ill. Reg. 3892, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12158, effective July 10, 1987; for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 16068, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 11 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 7652, effective March 22, 1988; amended at 12 Ill. Reg. 8877, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11622, effective July 1, 1988; for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11339, effective July 1, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 12335, effective July 22, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 12343, effective July 29, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective February 3, 1989; January 1, 1989; amended at 13 Ill. Reg. 3930, effective March 15, 1989; for a maximum of 150 days; 13 Ill. Reg. 11929, effective June 27, 1989; for a maximum of 150 days; emergency expired November 23, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989; for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; for a maximum of 150 days; emergency expired November 30, 1989; amended at 13 Ill. Reg. 16386, effective October 1, 1989; for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 1, 1989; for a maximum of 150 days; 13 Ill. Reg. 17839, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4231, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5339, effective April 3, 1990; for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396; effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14844, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 149, effective January 1, 1991; for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 1, 1991; amended at 15 Ill. Reg. 11240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10314, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17200, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 1, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11221, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995; for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15933, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 992, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 15155, effective August 1, 1997; amended at 21 Ill. Reg. 15238, effective August 1, 1997.

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.330 Unearned Income

- All currently available, unearned income which is not specified as exempt shall be considered in the determination of eligibility.
- Unearned income is all income other than that received in the form of salary for services performed as an employee or profits from self-employment. Unearned income includes any amount of interest earned from assets discarded by Section 120.302(a)(3) and (a)(4).
 - When the amount of unearned income to be considered is determined, the cents are dropped from each payment amount.
 - For payments received weekly, the weekly amount is multiplied by 4.33 to determine the countable monthly income.
 - For payments received bi-weekly, the bi-weekly amount is multiplied by

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

2.16 to determine the countable monthly income.

(Source: Amended at 21 Ill. Reg. 13638, effective _____)

Section 120.382 Asset Disregard

In addition to the exempt assets listed in Section 120.381, the cash value of assets shall be disregarded as follows:

- MANG (MABD)
 - \$2000.00 for a client and \$3000.00 for a client and one dependent residing together.
 - \$50.00 for each additional dependent residing in the same household.
- The amount equal to the sum of qualifying insurance benefit payments made as a result of coverage under a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2018, provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy.
- All assets of a person who purchases a long term care Partnership Insurance Policy as described in 50 Ill. Adm. Code 2018, with coverage equal to the average cost of four years of long term care services in a nursing facility, provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy.

^{§14.4}) Eligibility for MANG does not exist when nonexempt assets exceed the above disregard.

- MANG(C)
 - \$2000.00 for a one-person one-person assistance unit and \$3000.00 for a two-person assistance unit.
 - \$50.00 for each additional member of the assistance unit.
- Qualified Medicare Beneficiary (QMB)
 - \$4,000 for a single person and \$6,000 for a person with one or more dependents.
 - Eligibility for QMB status does not exist when countable assets exceed the above disregard.

(Source: Amended at 21 Ill. Reg. 13638, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) Section Number(s): Adopted Action:
104.1 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: October 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporates by reference? No
- 8) Date Filed in Agency's Principal Office: October 1, 1997 (21 Ill. Reg. 8207)
- 9) Notice of Proposal Published in Illinois Register: July 7, 1997 (21 Ill. Reg. 8207)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

- 11) Differences between proposal and final version: The term "Social Service program," has been stricken.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the aforesaid letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes

- 14) Are there any amendments pending on this part? Yes

Sections	Proposed Action	Illinois Register Citation
104.110	Amendment	July 11, 1997 (21 Ill. Reg. 8858)
104.101	Amendment	July 11, 1997 (21 Ill. Reg. 8858)
104.102	Amendment	July 11, 1997 (21 Ill. Reg. 8858)
104.104	Amendment	July 11, 1997 (21 Ill. Reg. 8858)
104.209	Amendment	July 11, 1997 (21 Ill. Reg. 8858)
104.210	Amendment	July 11, 1997 (21 Ill. Reg. 8858)
104.213	Amendment	July 11, 1997 (21 Ill. Reg. 8858)
104.221	Amendment	July 11, 1997 (21 Ill. Reg. 8858)
104.246	Amendment	July 11, 1997 (21 Ill. Reg. 8858)

- 15) Summary and Purpose of Amendments: These proposed amendments make changes in the assistance appeals provisions to recognize the new temporary

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Assistance for Needy Families (TANF) program. Recent federal and state legislation requires a complete restructuring of the Aid to Families with Dependent Children (AFDC) program. A state plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The TANF program, which is a key component of Public Law 104-193, is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven state initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for thousands of families to become employed. The TANF program also sets the stage for the administration of the welfare program by the new Illinois Department of Human Services, effective July 1, 1997.

- 16) Information and Questions Regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
217/524-0081.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section
Assistance Appeals

104.1 Initiation of Appeal Process

104.10 Pre-Appeal Review

104.11 Notice of Hearing

104.12 Conduct of Hearings

104.20 Representation

104.21 Appellant Participation in Hearing

104.22 Substantive Requirements

104.23 Amendment of Appeal

104.24 Consolidation of Appeals

104.25 Postponement or Continuation of Hearings

104.26 Withdrawal of Appeal

104.27 Closing of Hearing Record

104.28 Dismissal of Appeal

104.29 Final Administrative Decision

104.30 Public Aid Committee

104.31 Responsible Relative and Joint Payee Petitions

104.32 Conduct of Other Hearings

104.33 Conduct of Hearings on Petitions for Release from Administrative

104.34 Paternity Orders

104.35 Subpart C: MEDICAL VENDOR HEARINGS

Section
Responsible Relative and Joint Payee Petitions

104.36 Petition for Hearing

104.37 Conduct of Administrative Support Hearings

104.38 Conduct of Hearings to Contest the Determination of Past-Due Support

or of Share of Jointly-Owned Funds

104.39 Cross-Examination

104.40 Genetic Testing in Contested Paternity Hearings

104.41 Computer Generated Documents

104.42 Recommendation of Peer Review Committee

104.43 Time Limits for Hearings

104.44 Continuances and Extensions

104.45 Witness at Hearings

104.46 Evidence at Hearings

104.47 Cross-Examination

104.48 Record of Hearings

104.49 Failure to Appear or Proceed

104.50 Recommended Decision

104.51 Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section
Applicability

104.202 Definitions

104.204 Notice of Denial of an Application

104.206 Notice of Intent to Recover Money

104.207 Notice of Contested Paternity Hearing

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

CHAPTER II: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section
Notice of Intent to Terminate, Suspend or Not Renew Provider

104.208 Notice of Intent to Certify Past-Due Support Owed by a Responsible

Agreement

104.209 Notice of Intent to State Licensing Agency and to Take Disciplinary Action

104.210 Right to Hearing

104.211 Notice of Termination or Suspension Pursuant to Exclusion by the

Department of Health and Human Services

104.212 Prior Factual Determinations

104.213 Demand for Judicial Jury Trial in Contested Paternity Hearings

104.215 Notice of Formal Conference

104.216 Purpose of Formal Conference on Recovery of Money

104.217 Notice of Formal Conference

104.218 Issues at Hearings

104.219 Legal Counsel

104.220 Appearance of Attorney or Other Representative

104.221 Notice, Service and Proof of Service

104.222 Form of Papers

104.223 Discovery

104.224 Conduct of Hearings

104.241 Amendments

104.242 Motions

104.243 Subpoenas

104.244 Burden of Proof

104.245 Witness at Hearings

104.246 Evidence at Hearings

104.247 Cross-Examination

104.248 Genetic Testing in Contested Paternity Hearings

104.249 Official Notice

104.250 Computer Generated Documents

104.255 Subpart B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section
Responsible Relative and Joint Payee Petitions

104.100 Petition for Hearing

104.101 Conduct of Administrative Support Hearings

104.102 Conduct of Hearings to Contest the Determination of Past-Due Support

or of Share of Jointly-Owned Funds

104.103 Continuation of Payments During Pendency of Proceedings

104.104 Continuation of Payments During Pendency of Proceedings

104.105 Conduct of Hearings on Petitions for Release from Administrative

104.106 Paternity Orders

104.107 Subpart C: MEDICAL VENDOR HEARINGS

Section
Applicability

104.202 Definitions

104.204 Notice of Denial of an Application

104.206 Notice of Intent to Recover Money

104.207 Notice of Contested Paternity Hearing

104.300 Authority

104.302 Definitions

104.303 Definitions

104.304 Definitions

104.305 Definitions

104.306 Definitions

104.307 Definitions

104.308 Authority

104.309 Definitions

104.310 Definitions

104.311 Definitions

104.312 Definitions

104.313 Definitions

104.314 Definitions

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 104.304 Department Actions Against Nursing Homes Facilities
 104.310 Certification
 104.320 Joint Administrative Hearing
 104.330 Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

- 104.400 Suspected Intentional Violation of the Program
 104.410 Advance Notice of Administrative Disqualification Hearing
 104.420 Postponement of Hearing
 104.430 Administrative Disqualification Hearing Procedures
 104.440 Failure to Appear
 104.450 Participation While Waiting Hearing
 104.460 Consolidation of Administrative Disqualification Hearing with Fair Hearing
 104.470 Administrative Disqualification Hearing Decision and Notice of Appeal Procedure

Section 104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/11-8 through 11-7, 12-4.9, 12-4.25 and 12-13).

SOURCES: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 111, P. 151, effective March 9, 1978; for a maximum of 150 days; amended at 2 Ill. Reg. 21, P. 10, effective May 26, 1978; amended at 2 Ill. Reg. 32, P. 57, effective August 1, 1978; temporary amendment at 2 Ill. Reg. 11, P. 38, effective March 1, 1979; amended at 2 Ill. Reg. 80, effective May 8, 1980; temporary amendment at 5 Ill. Reg. 1197, effective January 1, 1981; amended at 5 Ill. Reg. 10751, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274; effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10139, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9143, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18186, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16612, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993; for a maximum of 150 days; amended at 17 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, 1995; amended at 20 Ill. Reg. 12129, effective December 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13544, effective _____, _____.

SUBPART A: ASSISTANCE APPEAL

Section 104.1 Assistance Appeals

- Sections 104.10 through 104.70 apply to all appeals before the Department filed by or on behalf of applicants or recipients of public assistance under the Temporary Assistance for Needy Families (TANF), Aid to Families with Dependent Children Program (AFDC), Aid to the Aged, Blind or Disabled Program (AAD), General Assistance Program (GA), Medicaid Assistance Program, Aid-to-the-Medically-Handicapped Program-(AMHP)-Society--Service--Program or Food Stamp program, as administered by the Department.
- (Source: _____ at 21 Ill. Reg. 13544, effective _____)
- (Source: _____ at 21 Ill. Reg. 13544, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hotel Operators' Occupation Tax Act

2) Code Citation: 86 Ill. Adm. Code 480

3) Section Number(s):
480.105
Adopted Action:
Amendment

4) Statutory Authority: 35 ILCS 145, 20 ILCS 2505/39b19

5) Effective Date of Amendment(s): September 29, 1997

6) Does this rulemaking contain an automatic repeal date? No
7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: September 29, 1997

9) Notice of Proposal Published in Illinois Register: October 4, 1997, 20
Ill. Reg. 13025

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposed and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment(s): In response to Public Act 87-951, these rules amend the definition of "permanent resident" to state that a "permanent resident" includes any person who occupied or has the right to occupy any room or rooms, regardless of whether it is the same room or rooms, in a hotel for at least 30 consecutive days.

16) Information and questions regarding this adopted amendment shall be directed to:

Jerilynn T. Gorden
Senior Counsel Sales and Excise Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 480 HOTEL OPERATORS OCCUPATION TAX ACT¹

Section	Nature, Rate and Scope of the Tax
480.101	Books and Records
480.105	Definitions
480.110	Registration and Returns
480.115	Penalties, Interest and Procedures
480.120	Claims to Recover Erroneously Paid Tax
480.125	Claims to Recover Erroneously Paid Tax

AUTHORITY: Implementing the Hotel Operators' Occupation Tax Act [35 ILCS 145] and authorized by Section 39619 of the Civil Administrative Code of Illinois [20 ILCS 2505/39619].

SOURCE: Adopted July 6, 1962; codified at 8 Ill. Reg. 8611; amended at 13 Ill. Reg. 10693, effective June 16, 1986; amended at 16 Ill. Reg. 3578, effective February 25, 1992; amended at 21 Ill. Reg. 2883, effective February 3, 1997; amended at 21 Ill. Reg. 4100, effective ~~July 2, 1997~~, effective ~~July 2, 1997~~.

Section 480.105 Definitions

"Hotel" means any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses.

"Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.

"Operator" means any person operating a hotel.

"Permanent resident" means any person who occupied or has the right to occupy any room or rooms, regardless of whether it is the same room or ERooms, in a hotel for at least 30 consecutive days.

"Rent" or "rental" means the consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

"Room" or "rooms" means any living quarters, sleeping or housekeeping

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

accommodations.

(Source: Amended at 21 Ill. Reg. 1935)
) effective July 2, 1997

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE

1. Effective July 2, 1997

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: "Telecommunications Excise Tax"

2) Code Citation: 86 Ill. Adm. Code 495

3) Section Numbers: Adopted Action:
Amendment
495.100
495.120

4) Statutory Authority: 35 ILCS 6/01/7

5) Effective Date of Amendment(s): September 29, 1997

6) Does this rulemaking contain an automatic renewal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: September 29, 1997

- 9) Notice of Proposed Published in Illinois Register: April 25, 1997, 21
Ill. Reg. 50185
- 10) Has JCAR issued a Statement of Objections to these Amendments? No

- 11) Differences between proposed and final version:

1. In Section 495.100(b), struck "on-the-customer---billing---statement" and added "in the books and records of the retailer".
2. In Section 495.100(c), deleted new language "on customer billing statements" and replaced it with "in the books and records of the retailer".
3. In Section 495.100(c), struck "on-customer---billing---statements-and".
4. In Section 495.120(a), added the following new sentence: "For provisions regarding credits, see Section 495.120."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the statement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this part? No
- 15) Summary and Purpose of Amendment(s): These rules amend Section 495.100 to provide that charges for answering services, whether provided by "live" operators or by electronic voice mail, are not gross charges, subject to tax. If such charges are provided in connection with taxable

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

telecommunications, they must be disaggregated and separately identified on customer billing statements in order to be excluded from gross charges subject to tax.

The rules also amend Section 495.120 to provide that when telecommunications retailers provide services for which the customer's service address is not a fixed location (e.g., cellular phones), the Department shall use the location of the customer's primary use of the telecommunications equipment, as defined by telephone number, authorization code or location in Illinois where bills are sent, as the service address for the purpose of determining whether tax is due.

- 16) Information and questions relating to this adopted amendment shall be directed to:
Jerilynn T. Gordon
Senior Counsel, Sales and Excise Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 495
TELECOMMUNICATIONS EXCISE TAX

Section 495.100 Meaning of "Gross Charges"
 495.100 Exemptions
 495.110 Interstate
 495.115 Mobile Operations Reporting Option
 495.120 Responsibility for Accounting and Payment of Tax
 495.125 Credits

AUTHORITY: Implementing the Telecommunications Excise Tax Act [35 ILCS 630] and authorized by Section 17 of the Telecommunications Excise Tax Act [35 ILCS 630/17].
 SOURCE: Adopted at 14 Ill. Reg. 11321, effective July 1, 1990; amended at 21 Ill. Reg. ~~13~~ 14, effective Sept 2, 1991.

Section 495.100 Meaning of "Gross Charges"

- a) "Gross Charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer, valid in money, whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service cost or any other expense whatsoever. (Section 2(a) of the Telecommunications Excise Tax Act [35 ILCS 630/2(a)] ~~7/1/91
Bever--State--1889---ch-129---par-200201~~). A retailer may provide services to customers which are not provided in connection with originating or receiving telecommunications. If such services are not necessary for or directly related to the retailer's provision of telecommunications to customers and the charges for such services are disaggregated and separately identified from other charges, the charges need not be included in "Gross Charges". Without limitation, examples of such services not included in "Gross Charges" are directory advertising; specialized designing and/or engineering services; specialized security measures; and consulting services.
- b) Gross Charges shall not include charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges Section 2(a) of the Act). Customer equipment includes, but is not limited to, all items generally

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

classified as customer equipment or terminal equipment, such as telephone instruments and station sets, dialers, modems, private branch exchanges (PBX's), inside wiring, facsimile machines, pagers and non-electronic associated items such as documentation, manuals and furniture. Such items of customer equipment, including maintenance and miscellaneous services may be leased, rented or sold to one customer or a group of customers without being included in the gross charges, but will be subject to Retailers' Occupation tax or use taxes. To be example, the charges for customer equipment must be disaggregated and separately identified from other charges in the books and records of the retailer on-the-customer's-billing statement.

- c) Gross charges does not include charges for the storage of data or information, for subsequent retrieval or charges for the processing of data or information intended to change its form or content (Section 2(a)(3) of the Act). Charges for answering services, for example, whether provided electronically or by live operators, represent charges for the storage of information or data for subsequent retrieval and are not subject to tax. Provided that these charges, if provided in connection with taxable telecommunications, are disaggregated and separately identified in the books and records of the retailer. Charges for automated data storage, retrieval and processing services or for the use of computer time or other equipment are not included in gross charges. Automated information retrieval or data processing charges are not included in gross charges. For example, a customer who accesses an on-line computer database would not be subject to tax on the charge for the data processing or inquiry, but would be subject to tax on the charge for the transmission of the data. If a telecommunications retailer provides both transmission and data processing services, the charges for each must be disaggregated and separately identified on-customers--bitting statements and in the books and records of the retailer.
- d) Value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission are exempt (Section 2(c) of the Act). For example, the charges for computer data, protocol conversions which permit computers to exchange data, no matter which languages or protocols a computer's output may be in, and packet-switching, which groups data into packets for efficiency of transmission, would be exempt.
- e) Advertising revenue either from directory sales (yellow pages) or from message advertising services are not included in gross charges. For example, revenues from an advertising message proceeding a time/Weather call are not included in gross charges.
- f) Contributions to a teletlon fund-raising campaign are not included in gross charges.
- g) Gross charges shall include, but are not limited to, charges for unlisted or unpublished numbers; operator assistance, directory information, call-forwarding, call-waiting, and burglar alarm information,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- services—and—answering—services provided by telecommunications retailers.
- b) A caller located in Illinois who calls a 900 number and receives a billing for that call at his service address, will have made a call subject to Telecommunications Excise Tax. The invoice to the caller for a 900 number call need not separately state the line charge and tax thereon specifically; however, the telecommunications retailer is responsible for remitting the tax due on the line charge.
- i) Gross charges shall include the transmission charges for premium services. Time/weather, gab line/partny line and other public announcement services of information and entertainment, and charges for the message content or information of such services, are not included in gross charges.

Example: A call to a 900 code number is made to register an opinion in a poll. The caller is billed \$1.00. \$80 is the transmission charge. \$80 is included in gross charges.

- j) Charges for billing and collection received by telecommunications retailers from persons selling services or products to the telecommunications customers, which are billed and collected by the telecommunications retailer, are not included in gross charges.

Example: A call to a 900 code number to sell a product is billed by the telecommunications retailer as follows:

\$25.00 service charge to callee for product or service

\$.30 call charge (15¢ call, 15¢ billing and collection)

\$.15 billing and collection charge is not included in gross charges

\$25.00 is not included in gross charges

\$.15 is included in gross charge

- k) Billing and collections charges paid by persons selling services or products to telecommunications retailers' customers or billing and collections charges paid by telecommunications retailers to credit card companies whose holders have charged calls are not includable in gross charges.

- l) Taxes imposed on consumers for community 911 service, life-line service or other services required by regulatory authorities or government are not includable in gross charges.

(Source: Amended at 21 Ill. Reg. 13053, effective 1/1/2011)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- telecommunications who provide cellular phone, mobile radio, paging and other services where the customer's service address is in fact not a fixed site, but rather a motor vehicle or other mobile location, shall use the location of the customer's primary use of the telecommunications equipment, as defined by telephone number, authorization code, or location in Illinois where bills are sent.
- b) ~~Billing addresses in Illinois of telecommunication service providers as the service address for the purpose of determining whether tax is due on services charged to the customer. For instance, a cellular phone customer whose bill is sent to a Missouri address, but who maintains an Illinois telephone number, would be subject to tax. For provisions regarding credits, see Section 495.1.30.~~
- b) The Department will not require retailers to attempt to apportion traffic or gross charges based upon the physical location of a mobile portable telecommunications device at the time service is provided. For example, a retailer providing service to a cellular phone customer shall charge telecommunications Excise Tax on all traffic billed to an Illinois address unless there is evidence in the books and records of the retailer that a call was originated from a location outside this State and terminated outside this State.

(Source: Amended at 21 Ill. Reg. 13053, effective 1/1/2011)

(Source: Amended at 21 Ill. Reg. 13053, effective 1/1/2011)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: School Bus Driver's Pretrip Inspection Requirements
- 2) Code Citation: 92 Ill. Adm. Code 458
- 3) Section Numbers:
 - Adopted Action: New Section
 - 458.1000 New Section
 - 458.1010 New Section
 - 458.1020 New Section
 - 458.1030 New Section
 - 458.1100 New Section
- 4) Statutory Authority: Implementing and authorized by Section 13-115 of the Illinois Inspection Law [625 ILCS 5/13-115, as amended by P.A. 89-658, effective August 14, 1996.]
- 5) Effective date of rules: October 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporation by reference? No
- 8) Date filed in Agency's principal office: 9/30/97
- 9) Notice of proposal published in Illinois Register: July 18, 1997, 21 Ill. Reg. 9404
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

In Section 458.1020, "School Bus Driver", the Department revised the definition.

In Section 458.1030(d), the Department added a provision concerning using a replacement bus and the performance of the pretrip inspection.

In Section 458.1030(f), the second sentence now reads as follows: "The driver is responsible for verifying that these items have been inspected as required."

In Sections 458.1030(g), (1) and (1), the Department changed "their" to "his or her."
- 12) Items listed in subsection (f) may be inspected the evening prior to the day the bus will be used for a trip. The form must indicate the date the components listed in subsection (f) are inspected. If items listed in subsection (f) are inspected on the previous day, the bus cannot be driven between the time the components listed in subsection (f) are inspected and the first trip of the day."
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules: By this Notice of Adopted Rules, the Department has established Part 458 on School Bus Driver's Pretrip Inspection Requirements, Public Act 89-558, effective August 14, 1996, allows a person other than the driver to perform portions of a pretrip inspection as prescribed by this Part. In addition to establishing

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- 1) Heading between the time the components listed in subsection (f) are inspected and the first trip of the day:
- 2) In Sections 458.1030(l) and 458.1030(w), the Department changed "which" to "that."
- 3) In Section 458.1030(j), the Department deleted the comma after "owner/operator."
- 4) In Section 458.1030(l), the Department initially capped the word "Form".
- 5) In Section 458.1030(t), the Department added "If a component listed in Section 458.1100, the item must be marked out and "Not Applicable" or "N/A" must be written beside the component."
- 6) In Section 458.1100(u), the Department added "additional components may be added to the components listed in Section 458.1100, the bus owner/operator deems necessary (e.g., wheelchair lift)."
- 7) In Section 458.1030(x), the Department changed "December 31, 1997" to August 1, 1998.
- 8) The Department added a new subsection (y) which reads as follows: "The Form shown in Section 458.1100, the item must be used on or after October 1, 1998; however, use of the Form shown in Section 458.1100, the item must be used on or after August 1, 1998."
- 9) The Department added an Agency Note at the end of the Part and it reads as follows: "Agency Note: If the bus is not being used as a school bus (e.g., is being driven to obtain maintenance/repair work), this Part does not apply."
- 10) The Department revised the Form at Section 458.1100, the item must be used on or after October 1, 1998.
- 11) Have all the changes set forth above been made as indicated in the attachments letter issued by JCAR? Yes
- 12) Will this rule replace an Emergency Rule currently in effect? No
- 13) Are there any amendments pending on this Part? No
- 14) Summary and purpose of rules: By this Notice of Adopted Rules, the Department has established Part 458 on School Bus Driver's Pretrip Inspection Requirements, Public Act 89-558, effective August 14, 1996,

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

procedures necessary to implement the Public Act, this new Part now classifies and adds to some of the existing requirements. The requirements on School Bus Driver's Pretrip Inspections currently contained in 92 Ill. Adm. Code 441.Illustration E and 92 Ill. Adm. Code 443.Illustration E will be repealed in the near future.

Some of the changes, which essentially clarify the existing program and bring it into conformance with the Public Act, are as follows:

Part 458 will now include definitions.

Statutory language, concerning a person other than the driver performing portions of the pretrip inspection, has been added at Section 458.10.30(t).

Clarification that the pretrip inspection consists of an inspection of mechanical and safety equipment on the school bus.

Clarification that the same driver operating the same bus more than once a day need not conduct subsequent inspections during the day.

A provision which states that any defects found on the bus must be recorded on the School Bus Driver's Pretrip Inspection Form.

A provision covering operation of the bus by a different driver for any subsequent trips during the day and additional pretrip inspections.

A listing of items which can be inspected during the pretrip by someone other than the driver and a provision requiring verification of these items by the driver's signature on the form.

A provision requiring that any person other than the driver inspecting any items in the above-mentioned list must provide their signature on the form.

A provision which requires that, if defects are discovered, the school bus owner/operator must be notified.

A recommendation that all defects be corrected before any bus is used to transport children. Plus, a requirement that each school district or contractor must establish policies to govern procedures which are to be followed when any component is found unsatisfactory.

A provision which requires that, each day before a school bus is operated, the driver must examine the previous form to verify that all defects have been corrected. If not, the driver must immediately notify the school bus owner/operator, or their designee.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

The Department is requiring that the owner/operator, or their designee, be responsible for insuring that repairs are made as soon as practicable.

A provision which requires that, after any repairs are made, the school bus mechanic performing the repairs sign and date the form.

A provision which requires that each school bus be equipped with an adequate supply of forms.

Clarification that each bus shall have one booklet. Forms in duplicate shall remain on the bus for at least 30 days.

Clarification that individual components are to be checked or marked as the form is being completed and not filled out in advance.

Provisions which describe the form developed by the Department (Section 458.Illustration A) and a description of variations that would be acceptable to the Department. Variations of Section 458.Illustration A must be submitted to the Department for prior approval.

A note which states that if the bus is not being used as a school bus, this part does not apply.

Finally, a provision which permits the use of preprinted forms until depletion or until August 1, 1998.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, IL 62794-9212
(217)785-1181

The full text of the Adopted Rules begins on the next page:
(217)785-1181

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)
PART 458
SCHOOL BUS DRIVER'S PRETRIP INSPECTION REQUIREMENTS

Section

458.1000 Purpose

458.1010 Applicability

458.1020 Definitions

458.1030 Driver Requirements

ILLUSTRATION A School Bus Driver's Pretrip Inspection Form

AUTHORITY: Implementing and authorized by Section 13-115 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-115, as amended by P.A. 89-658, effective August 14, 1996].

SOURCE: Adopted at 21 Ill. Reg. 13 ¶6, effective 1/1/01.

(W.F.)

Section 458.1000 Purpose

This Part prescribes the pretrip inspection requirements a school bus driver must follow each day a school bus is operated.

Section 458.1010 Applicability

This Part applies to the following persons:

- a) School bus drivers;
- b) School bus owners and operators;
- c) Mechanics performing repairs and adjustments on school buses; and
- d) Department personnel.

Section 458.1020 Definitions

"Code" - The Illinois Vehicle Code [625 ILCS 5].

"Department" - The Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Code)

"Officer" - An employee of the Illinois Department of Transportation.

"School Bus" - Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
or below in connection with any activity of such entity:

Any public or private primary or secondary school;
Any primary or secondary school operated by a religious institution; or
Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than students to and from interscholastic athletic or other interscholastic or school sponsored activities. (Section 1-12 of the Code.)

"School Bus Driver" - Any person who is licensed to operate a school bus pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/10-6.1].

"School Bus Pretrip Inspection" - The inspection performed by a school bus driver on his/her school bus prior to the bus being operated each day. Some components may be inspected by persons other than the driver. The inspection consists of checking mechanical and safety items on the bus.

"School Bus Driver Pretrip Inspection Form" - The form prescribed by the Department to be used by school bus drivers to perform the required pretrip inspection. The form contains all of the vehicle's components which must be inspected by the driver. (See Section

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

NOTICE OF ADOPTED RULES

458.Illustration A)

"School Bus Mechanic" - Any person authorized by the school bus owner/operator to make necessary repairs and adjustments on a school bus. May also be responsible for inspecting mechanical components during the pretrip inspection.

Section 458.1030 Driver Requirements

- a) Each day that a school bus is operated the driver shall conduct a pretrip inspection of the mechanical and safety equipment on the bus as prescribed by this Part. A person other than the driver may perform portions of the pretrip inspection as prescribed by this Part. (Section 13-115 of the Illinois Vehicle Inspection Law, as amended by Public Act 89-558)
- b) The pretrip inspection shall consist of inspecting mechanical and safety equipment on the school bus. (See Section 458.Illustration A for specific equipment listed.)
- c) The pretrip inspection shall be performed each day school bus is operated. If the same driver operates the same bus more than once a day, a new inspection is required for each subsequent trip.
- d) If a bus is operated by a different driver for any subsequent trips during the day, an additional pretrip inspection is required. If a driver is required to complete his/her route in a bus different than the one he/she started the route in, a complete pretrip inspection must be performed on the replacement bus.
- e) The driver is required to complete a School Bus Driver's Pretrip Inspection Form (the Form) each time an inspection is performed. Any defects found on the bus must be recorded on the Form.
- f) The following items can be inspected during the pretrip by someone other than the driver (e.g., school bus mechanic). The driver is responsible for verifying that these items have been inspected as required. Verification is provided by the driver's signature on the Form.

1)

Oil;

2) Coolant;

3) Battery;

4) Transmission Fluid;

5) Master Cylinder Brake Fluid;

6) Power Steering Fluid;

7) Washer Fluid;

8) All belts (e.g., fan, alternator, power steering); and

9) Wiring.

- g) If any person other than the driver inspects any item listed in subsection (f) of this Section, that person must provide his or her signature on the Form. Items listed in subsection (f) may be inspected the evening prior to the day the bus will be used for a trip. The form must indicate the date the components listed in

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

subsection (f) are inspected. If items listed in subsection (f) are inspected on the previous day, the bus cannot be driven between the first trip of the day and the components listed in subsection (f) are inspected and the first trip of the day.

b) If defects are discovered, the driver must notify the school bus owner/operator so the defects can be corrected.

i) The Department recommends that all defects be corrected before any bus is used to transport children. Each school district or contractor must establish policies to govern procedures that are to be followed when any component is found to be unsatisfactory.

j) Each day before a school bus is operated, the driver must examine the previous day to verify all defects have been corrected. If all defects have not been corrected, the driver must immediately notify the school bus owner/operator or his or her designee.

k) The Form shall be completed in duplicate.

l) The original Form shall be presented to the school bus owner/operator, or his or her designee, each day an inspection is completed. The owner/operator or his or her designee, shall be responsible for insuring the repairs/adjustments are made as soon as practicable.

m) After any repairs are made, the school bus mechanic performing the repairs/adjustments must sign and date the Form.

n) The original copy shall be maintained by the owner/operator for one hundred and eighty days from the date of inspection.

o) The duplicate copy shall remain in the bus for thirty days from the date of inspection.

p) The original Form shall be organized in an orderly fashion and made available for inspection at any time by officers of the Department as authorized by 92 ILR, Adm. Code 056.60(1).

q) The owner/operator is responsible for providing Forms to the drivers.

r) Each school bus must be equipped with an adequate supply of Forms.

s) Forms are typically organized in a booklet format. Each booklet contains a number of Forms. Each bus shall have one booklet assigned to it. The booklet must stay on the bus until each duplicate copy of this Section.

t) Forms must not be filled out in advance and each individual component must be checked or marked while the Form is being completed. If a component listed in Section 458.Illustration A was not present on the bus at the time of manufacture (e.g., clutch), the item must be marked out and "Not Applicable" or "N/A" must be written beside the component.

u) A copy of Section 458.Illustration A can be used or a form can be developed which contains all the information found in Section 458.Illustration A. Additional components may be added to the components listed in Section 458.Illustration A as the bus owner/operator deems necessary (e.g., wheelchair lift).

v) The Department must approve all variations of Section 458.Illustration A before a form other than Section 458.Illustration A can be used.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Forms submitted for approval must be submitted to: Vehicle Inspection Division of Traffic Safety, Illinois Department of Transportation, Division of Traffic Safety, 3215 Executive Park Drive, P.O. Box 1912, Springfield, IL 62799-9212.

w) The Form shall contain general information about the bus as well as list the items that are required to be inspected by the driver (see Section 458.Illustration A). A Remarks Section must be provided for the driver to detail specific defects. A signature line must be provided for the driver and, if applicable, the mechanic who performed any inspection of mechanical components. A signature and date line must also be provided for the school bus mechanic performing any repairs/adjustments.

x) Inventory of preprinted forms may be used, in the manner previously authorized, until depleted or until August 1, 1998.

y) The Form shown in Section 458.Illustration A may be used on or after October 1, 1997; however, use of the Form shown in Section 458.Illustration A is mandatory on or after August 1, 1998.

If the bus is not being used as a school bus (e.g., is being driven to obtain maintenance/repair work), this Part does not apply.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 458.Illustration A School Bus Driver's Pretrip Inspection Form

School District or Contractor's Name _____

School Classification No. _____

PLATE NUMBER - "T" FOR SATURATED CHECK IF EXISTING CARTRIDGE

OPEN THROTTLE, BOTH ACROSS ALL EXCEPT UPGRADE WITH ENHANCED BRAKE AND DASH

Open Heater and Chiller
1 Yes No

Front Windshield
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

PLATE NUMBER - "T" FOR SATURATED CHECK IF EXISTING CARTRIDGE

OPEN THROTTLE, BOTH ACROSS ALL EXCEPT UPGRADE WITH ENHANCED BRAKE AND DASH

Open Heater and Chiller
1 Yes No

Front Windshield
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

PLATE NUMBER - "T" FOR SATURATED CHECK IF EXISTING CARTRIDGE

OPEN THROTTLE, BOTH ACROSS ALL EXCEPT UPGRADE WITH ENHANCED BRAKE AND DASH

Open Heater and Chiller
1 Yes No

Front Windshield
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

PLATE NUMBER - "T" FOR SATURATED CHECK IF EXISTING CARTRIDGE

OPEN THROTTLE, BOTH ACROSS ALL EXCEPT UPGRADE WITH ENHANCED BRAKE AND DASH

Open Heater and Chiller
1 Yes No

Front Windshield
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

PLATE NUMBER - "T" FOR SATURATED CHECK IF EXISTING CARTRIDGE

OPEN THROTTLE, BOTH ACROSS ALL EXCEPT UPGRADE WITH ENHANCED BRAKE AND DASH

Open Heater and Chiller
1 Yes No

Front Windshield
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 Yes No

Front Side Mirror and Turn Signal Light
1 Yes No

Front Headlight
1 <input type="

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

This page intentionally left blank

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Emergency Action:
148.140
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (305 ICS 5/12-13)
- 5) Effective Date: September 27, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: September 27, 1997
- 8) Reason for Emergency: These emergency amendments concerning clinic services in county owned facilities are necessary to cover the escalating costs incurred as care is increasingly provided in outpatient settings. These amendments provide for reimbursement for a new category of hospital based clinic providers, Critical Clinic Providers, which are a key component in the Department's effort to reform outpatient reimbursement. Timed implementation of these amendments will ensure that access to necessary health care services is maintained in a cost effective manner.
- 9) Committee Description of the Subjects and Issues Involved: These emergency amendments create a new category of hospital based clinic providers, Critical Clinic Providers, for county owned facilities. In doing so, the Department will be, in part, reforming outpatient reimbursement to cover the escalating costs incurred as care is increasingly provided in outpatient settings. These changes are expected to increase spending by about \$2 million. Qualifying clinics under these emergency amendments will receive reimbursement through the County Provider Trust Fund

- 10) Are there any other proposed amendments pending on this Part? Yes
- | Section | Proposed Action | Illinois Register Citation |
|---------|-----------------|---|
| 148.25 | Amendment | August 29, 1997 (21 Ill. Reg. 11891) |
| 148.140 | Amendment | September 26, 1997 (21 Ill. Reg. 13032) |
| 148.310 | Amendment | August 1, 1997 (21 Ill. Reg. 10015) |
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 12) Information and questions regarding these Emergency Amendments shall be directed to:
 Joanne Jones
 Bureau of Rules and Regulations
 Illinois Department of Public Aid
 201 South Grand Avenue East, Third Floor
 Springfield, Illinois 62763
 217/524-0081
- The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER D: MEDICAL PROGRAMS

PART 148	HOSPITAL SERVICES
Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
148.80	Organ Transplant Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
EMERGENCY	
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in a County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reimbursements
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates
148.270	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

at 18 ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 ill. Reg. 12833, effective August 2, 1994; for a maximum of 150 days; amended at 18 ill. Reg. 1411, effective September 1, 1994; for a maximum of 150 days; amended at 18 ill. Reg. 1067, effective November 29, 1994; amended at 19 ill. Reg. 3510, effective March 1, 1995; for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 ill. Reg. 1709, effective May 12, 1995; for a maximum of 150 days; amended at 19 ill. Reg. 10061, effective June 29, 1995; emergency amendment at 19 ill. Reg. 10752, effective July 1, 1995; for a maximum of 150 days; amended at 19 ill. Reg. 13009, effective September 1, 1995; amended at 19 ill. Reg. 111, effective November 28, 1995; amended at 20 ill. Reg. 872, effective January 1, 1996; emergency amendment at 20 ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 ill. Reg. 12811, effective July 1, 1996; for a maximum of 150 days; emergency amendment at 20 ill. Reg. 12811, effective September 1, 1996; for a maximum of 150 days; amended at 21 ill. Reg. 501, effective January 2, 1997; amended at 21 ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 ill. Reg. 9552, effective July 1, 1997; for a maximum of 150 days; emergency amendment at 21 ill. Reg. 9822, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 ill. Reg. 10141, effective August 1, 1997; for a maximum of 150 days; emergency amendment at 21 ill. Reg. 13349, effective September 17, 1997; emergency amendment at 21 ill. Reg. 13349, effective September 17, 1997, for a maximum of 150 days.

Section 148-140 Hospital outpatient and clinic services

EMERGENCY

Fee-For-Service Reimbursement

- 1) Reimbursement for hospital outpatient and hospital-based clinics services shall be made on a fee for service basis, except for:
 - A) Those services that meet the definition of the Hospital Ambulatory Care Program as described in subsection (b) of this Section, which shall be reimbursed in accordance with subsections (b)(4) and (b)(6) of this Section, and adjusted in accordance with subsection (b)(8) of this Section;
 - B) EDSON services, as described in subsection (c) of this Section, which shall be reimbursed in accordance with subsection (c) of this Section, and adjusted in accordance with subsection (c)(6) of this Section; and
 - C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPAC), as described in 89 Ill. Adm. Code 140-46.1(f)(1)(D) and Section 148-1(b)(5)(D), which shall be reimbursed in accordance with 89 Ill. Adm. Code 140-46(1-b).
- 2) Fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public. The Department's statewide maximum reimbursement screens will be required to bill the department utilizing specific service codes. However, all specific client coverage policies

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

(relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who will fee for service.

2) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section above shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

- A) The reimbursement rates described in subsection (a)(2) of this Section above shall be no less than the reimbursement rates in effect on June 1, 1982, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable medical days.
- C) Maternal and Child Health program rates, as described in 89 Ill. Adm. Code 140 "Table M," shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(h), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(b), and Certified Obstetric Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C) and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).
- D) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.461(b)(2) for assigned clients.
- E) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- F) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section above, no year-end reconciliation is made to the reimbursement rates calculated under this Section.
- G) Hospital Ambulatory Care Program liberalized the list of effective April 1, 1986, the Department

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

allowable ambulatory procedures to add many surgical, diagnostic and highly technical treatment procedures that can be performed and reimbursed on an ambulatory basis.

1) Under the Hospital Ambulatory Care Program, a Hospital Ambulatory Care list was developed that defines those technical procedures that require the use of the hospital outpatient or hospital-based clinic setting, its technical staff and/or equipment. These procedures were separated into four separate groupings based upon the complexity and historical costs of the procedures. The four separate groupings are as follows:

- A) Group I procedures are high level technology surgeries that consume many hospital resources and are costly to deliver.
 - B) Group II procedures are certain nonsurgical, very high level technology services recognized and approved by the Department as safe outpatient procedures.
 - C) Group III procedures are other surgical, specialized cardiac and diagnostic procedures.
 - D) Group IV procedures are specialized treatment procedures, observation services, high risk, and emergency room services.
- Hospital Ambulatory Care List Update
- 2) The Hospital Ambulatory Care List is updated periodically. As technology changes, so do the procedures that fall into the four categories. In addition, annual changes in the ICD-9-CM procedure codes and their meanings necessitate annual changes to the Hospital Ambulatory Care List.
 - 3) Hospital Ambulatory Care Reimbursement Prior to July 1, 1995 Reimbursement for Hospital Ambulatory Care procedures was initially developed in 1986. For each of the four separate groupings identified in subsection (b)(1) of this Section, above, a set rate maximum has been developed based upon the complexity of the procedure, historical costs, and teaching status of the hospital, the type of hospital, and the setting in which the procedure would most likely be performed (i.e., outpatient department, general clinic department, psychiatric clinic department, or physical rehabilitation department). These set rate maximums have been periodically adjusted since 1986 based upon the above factors. Reimbursement for Hospital Ambulatory Care procedures performed prior to July 1, 1995, shall be reimbursed in accordance with the statutes and administrative rules governing the time period when the services were rendered.
 - 4) Hospital Ambulatory Care Reimbursement Effective July 1, 1995 Effective July 1, 1995, reimbursement for Hospital Ambulatory Care procedures shall be as follows:

- A) With respect to Group I procedures described in subsection (b)(1)(A) of this Section above, reimbursement shall be at the lesser of charges or the hospital's alternate

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

reimbursement rate, as defined in Section 148.270(a), equivalent to the rate of a one-day inpatient stay.

- B) With respect to Group II procedures described in subsection (b)(1)(b) of this Section above, reimbursement shall be at the lesser of charges or one of two separate rate maximums depending upon whether the hospital is classified as:

- i) A hospital defined in Section 148.25(b)(2)(A) through (b)(2)(C) which is a major teaching hospital as defined in Section 148.25(d); or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or
- ii) A hospital defined in Section 148.25(b).

- C) With respect to the Group III procedures described in subsection (b)(1)(C) of this Section above, reimbursement shall be at the lesser of charges or one of two separate rate maximums depending upon whether the hospital is classified as:
- i) A hospital defined in Section 148.25(b)(2)(A) through (b)(2)(C) which is a major teaching hospital, as defined in Section 148.25(d); or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or

- D) With respect to the Group IV procedures described in subsection (b)(1)(D) of this Section above, reimbursement shall be at the lesser of charges or one of six separate rate maximums depending upon whether the hospital is classified as:
- i) A hospital defined in Section 148.25(b)(2)(A) through (b)(2)(C) which is a major teaching hospital, as defined in Section 148.25(d); or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or
 - ii) A hospital defined in Section 148.25(b); and
 - iii) Whether the service is provided in the outpatient, general clinic, psychiatric clinic, or rehabilitation clinic department.

- E) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county eligible for a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:
- i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.

- i) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.
- B) County Facility Outpatients
The County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:
 - i) "Base Year" means the most recently completed State fiscal year.
 - ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.
 - iii) "Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming Rate year.
 - iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.
- C) No Year-End Reconciliation
With the exception of the retrospective rate adjustment described in subsection (b)(1)(F) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under subsection (b).
- D) Rate Adjustments
With respect to those hospitals described in Sections 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(4) of this Section above shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in subsection (b)(4) of this Section above shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- E) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific Client coverage policies

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis:
- 9) Hospitals described in Sections 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
 - c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rate, as follows:
 - 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149, for outpatient services or home dialysis treatments provided pursuant to Sections 148.40(c)(2) or 148.40(c)(3), the provider will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare Payment to 42 CFR 405.2124 and 413.170 (1994).
 - 2) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Sections 148.40(c)(2) or 148.40(c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.
 - 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
 - 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - 6) With the exception of the retrospective rate adjustment described

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- in subsection (c)(5) of this Section above, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).
- 7) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
 - d) Non Hospital-Based Clinic Reimbursement
 - 1) County-Operated Outpatient Facility Reimbursement
 - a) Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program Managed Care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as calculated in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:
 - i) Base Rate. The per encounter base rate shall be calculated as follows:
 - 1) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter rate for direct staff.
 - ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section above, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.
 - iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section above, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section above to determine the per encounter base rate.
 - ii) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section above, shall be the per encounter base rate.
 - b) Supplemental Rate
 - i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.
 - ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.
 - iii) The quotient derived in subsection (d)(1)(B)(ii) of this Section above, shall be added to the product derived in subsection (d)(1)(B)(iii) of this Section above, to determine the per encounter supplemental rate.
 - iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section above, shall be the per encounter supplemental rate.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

C) Final Rate

- i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.
- ii) The resulting sum, as determined in subsection (d)(1)(C) of this Section above, shall be the per encounter final rate.
- iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section above, shall be adjusted in accordance with subsection (d)(2) of this Section below.

2) Rate Adjustments

- Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section above, shall be calculated as follows:
- A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- B) The per item cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- C) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).

- D) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- E) Critical Clinic Providers

- 1) Effective for services provided on or after September 27, 1997, clinics owned and operated by a county with a consolidation of over three million, that are within or adjacent to a hospital, shall

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:

- A) 2,000 for reimbursement provided during the facility's cost reporting year ending during 1998.
- B) 2,900 for reimbursement provided during the facility's cost reporting year ending during 1999.
- C) 3,100 for reimbursement provided during the facility's cost reporting year ending during 2000.
- D) 3,600 for reimbursement provided during the facility's cost reporting year ending during 2001, and
- E) 4,200 for reimbursement provided during the facility's cost reporting year ending during 2002.

Reimbursement for all services provided by a Critical Clinic Provider shall be on an all-inclusive per encounter rate which shall equal reported direct costs of the Critical Clinic Provider for the facility's cost reporting period ending in 1995, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.

3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit quarterly cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e). The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual Medicare claims in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

(Source: Emergency amendment at 21 Ill. Reg. 13 (7) 5, effective September 27, 1997)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Office of Administrative Rules during the period of September 1, 1997 and have been scheduled for review by the Office of Administrative Rules in Chicago. Other items not contained in this notice may also be considered. Members of the public wishing to comment on a rule should submit written comments to the Office of Administrative Rules, 100 North LaSalle Street, Suite 1800, Chicago, Illinois 60601-3394, or by fax to (312) 744-4494, or by e-mail to rulemaking@atd.state.il.us.

Vol. 21 Issue 41

CONTENTS

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code: 44(0) published in Issue 40 will be listed as 50-44(0)-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in issue 29 (May 15), issue 42 (October 17), and issue 3 (January 16, 1998). Inquiries about the issues index may be directed to the Administrative Code Division at 217-782-4416 or jat@ocgce.state.il.us (internet address).

89-357-39

89-359-32

92-458-41

92-1010-40

92-1030-32

92-1040-32

36,37

92-2500-33

EMERG.

14+30-30

35-663-31

56-2660-36

68-1465-34

71-1400-30

77-510-40

77-665-35

77-695-35

77-1130-37

77-2510-37

80-303-32

80-310-31,38

80-1540-39

83-265-33

83-266-39

8,9 - 1,4 -

30,31,41

89-437-33

PERMPI.

8-125-34,37

77-820-37

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @ \$200.00 PER SET.

1977-1978 1979 1980 1981 1982 1983 1984 1985 1986
1987 1988 1989 1990 1991 1992 1993 1994 1995 1996

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @ \$1.00 EACH.

1981 1982 1983 1984 1985 1986 1987 1988 1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @ \$1.00 EACH.

1984 1985 1986 1987 1988 1989

CUMULATIVE/SECTIONS AFFECTED INDICES @ \$5.00 EACH.

1990 1991 1992 1993 1994 1995 1996

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YEAR ONLY) @ \$10.00 EACH.

(VOLUME #) _____ (ISSUE #) _____ (ISSUE DATE) _____

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @ \$290.00 (52 ISSUES)
____ NEW ____ RENEWAL

ANNUAL SUBSCRIPTION TO THE ILLINOIS ADMINISTRATIVE CODE ON CD-ROM; COMPLETELY UPDATED EDITION PUBLISHED QUARTERLY
@ \$290.00 FOR 4 QUARTERLY EDITIONS

TOTAL AMOUNT OF ORDER: \$ _____
CHECK VISA MC DISCOVER CARD #: _____

EXPIRATION DATE: _____ SIGNATURE:
(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS:

(NAME, PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO: _____ OR FAX: (217) 854-0308

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

✓

11